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44,091

TUESDAY AUGUST 6 1991

40p



Close call: a Yugoslav federal air force jet flying low yesterday over Osijek airport, which is in Croatian hands but surrounded by Serbian forces

## Jail chief quits after report on IRA escape

By QUENTIN COWDRY, HOME AFFAIRS CORRESPONDENT

THE governor of Brixton prison in south London has been replaced after it was disclosed yesterday that police warned the prison authorities last February that two IRA suspects were planning their escape.

The decision to remove Reg Withers as governor was announced as Kenneth Baker, the home secretary, said he had considered resigning over last month's escape.

However, the special report's findings that the failures at the jail were operational and not issues of policy had confirmed his decision not to resign. In the report, Judge Stephen Tumim, the chief inspector of prisons, said the escape by Nessim Quinlivan and Pearce McAuley highlighted a series of security blunders. The two men are still at large.

The Home Office said yesterday that the decision to remove Mr Withers, aged 59, followed directly from the

criticisms made in the judge's report. Brian Bubbear, the head of the prison department's security and emergency planning section, will also be replaced and a special Whitehall unit has been set up to consider whether disciplinary action should be taken against certain individuals within the service.

Judge Tumim's report disclosed that the Home Office's prison department was told in February that the men planned to escape after attending chapel on a Sunday and they were intended to acquire a gun. The two men carried out their plan on July 7, taking a warder hostage at gunpoint after attending Mass inside the jail.

The report criticised senior jail administrators for failing to pass on the warning about the planned escape of the two category A inmates. Judge Tumim said on *Channel 4 News* last night that the tip-off about the escape had been received by section one of the prison department's directorate of custody, headed by Mr Bubbear. For some reason, he said, the intelligence had not been passed on to the unit that deals with category A inmates.

The prison authorities were also criticised for failing to heed advice given last year that the prison should not be used for top-security inmates. The report, completed in just three weeks, also strongly criticised officials for failing to ensure that prisoners, staff and visitors were searched adequately and that the concrete perimeter wall was properly secure.

Mr Baker announced a package of measures to plug security loopholes in jails, to deter would-be escapees and to uncover deeper organisational weaknesses. These include a review of management standards within the service to be conducted by a prominent figure from the private sector; the installation of X-ray machines in the 23 English and Welsh jails that hold category A inmates; and an independent review of the way sec-

urity information is passed between the Home Office and jail governors.

The home secretary said "certain precautions" had been taken after police had issued their warning, but these had clearly been inadequate. "The information was not made properly available to those responsible for the management of category A prisoners generally or to certain key staff in the prison," he said. The inmates should, he said, have been split up and refused permission to attend church services outside their wing.

Judge Tumim said he was still not sure how the pistol was smuggled into Brixton, but the most probable explanation was that it had simply been posted to the men, concealed in specially cut-out holes in the soles of a pair of training shoes. During the service, one of the prisoners had assembled the pistol and slipped it down the side of one of his trainers.

Opposition MPs said last night that the judge's findings were a clear indictment of the home secretary. Robert MacLennan, the Liberal Democrat home affairs spokesman, said Mr Baker should resign because he had been told last summer that Brixton was not suitable for top-security inmates.



Botham: turned in best county bowling figures

## Botham back to his best

By OUR SPORTS STAFF

IAN Botham, recalled to the England team for the final Test against West Indies which starts at the Oval on Thursday, yesterday returned the best county championship bowling figures of his career.

Botham, aged 35, took seven for 54 for Worcestershire, the championship leaders, by an innings and 33 runs at Worcester. In 18 years in the first-class game Botham has only once achieved better figures - in the Lord's Test against Pakistan in 1978 when he took eight for 34.

Botham failed to take a wicket in his first seven overs yesterday but afterwards swung and seamed the ball so effectively that Warwickshire were routed. "It was a magic spell," Tim Curtis, the acting Worcestershire captain, said.

Botham said: "I'm pleased with my all-round game, and it certainly doesn't hurt to get a few more wickets before Thursday."

Brilliant Botham, page 34

## EC to consider buffer zone for Yugoslavia

From TOM WALKER IN BRUSSELS AND IAN MURRAY IN BONN

EUROPEAN Community foreign ministers will today discuss setting up a buffer zone in Yugoslavia, policed by international peace-keeping troops, and possible economic sanctions against Serbia.

The meeting seems likely to mark the end of the softly-softly approach taken by four "troikas" of EC ministers, the last of which returned in abject failure from Yugoslavia at the weekend. The sanctions will come from Hans Dietrich Genscher, the German foreign minister. He will also urge that serious consideration be given to recognising the would-be breakaway republics of Croatia and Slovenia.

He made clear yesterday that he blamed the Serbs for the failure of the community's latest peace mission, and that in consequence they should be made to suffer. "It has to be made clear to the Serbian leadership that this behaviour is rejected out of hand by the international community," he said.

Hans van den Broek, the Dutch foreign minister, the current president of the EC's troika, agreed to Herr Genscher's request for the special meeting despite the collapse of talks on Sunday.

Herr Genscher, however, amid growing signs that he is far from happy with the way in which the Dutch minister is handling the crisis, refused to accept yesterday that the EC was powerless to do any more to prevent a full-scale war. "I

do not believe that you ever reach a situation in politics, especially not when it is an issue of war or peace, where you can say 'nothing more is possible,'" he said.

Beyond the EC meeting, Herr Genscher said he would like to see the matter brought before the United Nations Security Council, with Britain and France using their prerogative as permanent members to put the crisis on the agenda of the world body. He is using his position as chairman of the crisis resolution mechanism of the Conference on Security and Co-operation in Europe to call another special meeting of that body to focus on the growing threat of war. It is the first time the EC will have considered changing its tactics on direct military intervention.

Roland Dumas, the French foreign minister, will ask Herr Genscher at The Hague to convene an emergency meeting of the Western European Union, the European co-ordinating arm of Nato comprising nine EC countries.

In Belgrade, Vuk Draskovic, the leader of Serbia's biggest opposition party, the Serbian Renewal Movement, accused the Serbian regime of hiring professional assassins after a member of his party was shot dead by two men outside his home on Sunday as he stepped from his car.

EC frustration, page 8  
Diary, page 12  
Leading article, page 13

## Captain says he left ship to lead rescue from shore

From STEPHEN TAYLOR IN DURBAN

YIANNIS Avranas, the captain of the Greek-owned cruise liner, *Oceanos*, which sank off the South African coast on Sunday, yesterday admitted leaving passengers with the ship but said that he had done so in the belief that he could help co-ordinate the rescue operation from the shore or from the air.

The ship's owners yesterday rejected charges that the crew had left the vessel while passengers remained on board. Epirotiki Lines said that the passengers and crew were evacuated according to a plan that called for shuttling some people to rescue craft on lifeboats and airlifting the rest to safety. Rescuers said last night that all passengers and crew were safe.

Captain Avranas, aged 51, and some of his crew spent yesterday at The Haven, a resort on Transkei's Wild Coast, where they were said to have been abused by guests. One reportedly shook a finger in Captain Avranas's face and said: "You were the first to leave."



Avranas: "I do not care what people say about me"

When told that passengers were blaming him for leaving them in the lurch, the captain said: "I do not care what people say about me." Of his departure from the *Oceanos* by helicopter, he added: "I left long after the rescue had begun. We tried all night to get people off." He said that he had been separated from his own family, who had been taken off the *Oceanos* by another ship. "I have lost my own ship. What do they want?"

The captain's English wife, Ingrid, last night defended her husband against accusations that he left the ship prematurely, and accused the South African authorities of being slow to respond to his mayday calls. Mrs Avranas, from Chelmsford, Essex, was with her husband on the bridge as he sent out pleas for help.

"It was terrifying. We couldn't get any response. As the hours went by he was getting more and more desperate," she said. "I said goodbye to my husband on the bridge. He had become desperate, trying to get some response from South Africa."

He was only thinking how he could save the passengers. She defended her husband against charges that he had taken the ship to sea in unsafe conditions. Continued on page 18, col 2

Passengers' anger, page 7  
Gallantry in peril, page 12

## Coral reef may have holed hull

By MICHAEL DYNES, TRANSPORT CORRESPONDENT

THE passenger liner which sank off the South African coast on Sunday could have struck a coral reef while sailing too close to the shore. British maritime experts suggested yesterday.

The vessel would have been tossed about in rough seas, riding out high waves and descending into unnaturally low troughs, where its steel hull could have been ripped open by a coral reef, the sources said.

Speculation about the cause of the accident cannot be confirmed until the investigation into the loss of the liner has established its precise location against local navigational charts. The coral reef theory does, however, fit the available evidence which suggests that water did enter the vessel's engine compartment.

The Greek-owned vessel, *Oceanos*, which was built in

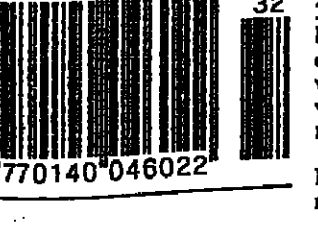
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### TODAY IN THE TIMES

**RICE'S CHALLENGE**  
Tim Rice is such a surprising appointment as head of the Foundation for Sport and Arts that he could even turn out a success Page 12

**JURY DISSERVICE**  
Lalla Spence explains in *Law Times* how a summons to the jury room did serious damage to a precarious working life Page 25

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Security doubts, page 3

## Transplant hope for diabetics

By THOMSON PRENTICE, MEDICAL CORRESPONDENT

A NEW type of transplant that could make daily insulin injections for diabetics unnecessary has been performed for the first time in Britain.

A woman aged 40 has been given hundreds of thousands of insulin-producing cells, called islets, in an operation at Leicester Royal Infirmary. If successful, the graft should enable her to produce her own insulin, ending her dependence on daily injections.

The operation was performed by Peter Bell, professor of surgery, and Nick London, a fellow surgeon, at

the hospital. A number of other patients are candidates for it. Researchers believe that, once proven, the technique will be one of the biggest advances for many years in the treatment of insulin-dependent diabetes.

The procedure involves implanting huge numbers of cells, taken from the pancreas of non-diabetic donors, into the patient's liver, where they should then produce the hormone spontaneously. In the diabetic, the pancreatic cells that produce insulin have been destroyed. The donor

cells are transferred by injection into the recipient. As most people have only about 200,000 islets, up to five donors may be needed to treat a single patient.

The woman who underwent the procedure has suffered from diabetes for 26 years. She will be weaned off insulin injections during the next ten days and monitored to see if her body produces sufficient insulin. The technique has been used in America and Canada, but is still regarded by most specialists as experimental.

## Mother bearing grandchildren for daughter

By THOMSON PRENTICE AND JAMES BONE

ARLETTE Schweitzer is about to give birth to twins who will be not just her children, but her grandchildren.

Mrs Schweitzer, aged 42, a school librarian in Aberdeen, a small town in South Dakota in the American Midwest, is carrying test tube babies created from the eggs of her daughter and the sperm of her son-in-law, and implanted in her womb.

The daughter, Christa Uchytel, aged 22, of Sioux City, Iowa, yearned for a baby but could bear no children of her own because she was born without a womb. The solution, they realised, was to keep the science of surrogate motherhood in the family.

The result will be twins, due in November. The only other such surrogacy to be recorded took place in

South Africa in 1987, when a woman gave birth to her daughter's triplets after in-vitro fertilisation (IVF) treatment.

Mrs Schweitzer and Christa first considered the idea six years ago. Christa had been diagnosed as having no womb when she was 14, and her mother told a doctor later that she wished she could give her own womb to the girl because she herself had no further use for it.

The doctor asked how old Mrs Schweitzer was and, to her surprise, said that it was possible she might be able to lend her womb to Christa. Two years ago, Christa married Kevin Uchytel, and the newlyweds decided to take up Mrs Schweitzer's offer.

Surrogate births involving an embryo implanted in one woman and carried to term on behalf of its genetic

parents are becoming more common in America. There were 198 attempts at surrogacy in 1989, the last year for which figures are available, and 33 actual deliveries.

The Schweitzer method may become more popular, partly because advances in infertility treatment mean that women are now more able to have babies later in life. Recent studies have recorded IVF births among women in their mid to late 40s.

Keeping surrogacy in the family has another attraction. The scenario that participants in surrogacy arrangements most dread is a dispute over custody of the baby. One such case awaiting a decision of a Californian court earlier this year showed just how badly wrong such arrangements can go.

A woman agreed to become a sur-

rogate mother, but during the pregnancy the commissioning parents separated. The surrogate refused to hand over the baby on the ground that the couple were living apart and were no longer suitable parents. The husband said that the baby belonged with him because he was its biological father. The wife argued that she should have the baby because she was its legal mother. The case is unresolved.

In Britain, surrogacy itself is not illegal, but commercial surrogacy arrangements are banned. The surrogate mother is deemed the legal mother of the child, and her husband is regarded as its legal father. The commissioning parents are obliged to go through adoption proceedings if they want the child to be regarded as legally theirs.

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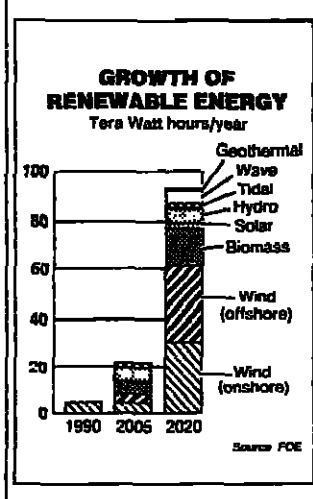
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## Minister harnesses scientists to green energy review

Exploitation of renewable energy sources may receive a new wind from a high-powered government team, Nigel Hawkes writes

THE energy department yesterday announced the formation of a new advisory group in an attempt to add conviction to Britain's renewable energy programme.

Although the UK does good research in energy sources such as wind and waves, there are few such power stations. California has 1,400 megawatts of electricity capacity from wind-power machines; Britain, despite a windy climate, has just eight megawatts.

The group is chaired by Colin Moynihan, the energy minister,

and includes Sir Hermann Bondi, a former chief scientist at the department. Professor Peter Oppenheimer, the economist, Professor Sir Arnold Wolfendale, the Astronomer Royal, Dr Maria Holdgate, director general of the International Union for the Conservation of Nature and Natural Resources, and Dr Mary Archer, chairman of the National Energy Foundation.

Mr Moynihan said yesterday that, by establishing the 11-strong advisory group, the government

intended to emphasise the importance of renewables.

Wind, waves, sun, tides and landfill gas have tended to be the unloved orphans of successive energy ministers, outspend and outvoted by the nuclear lobby. Energy campaigners see the group

as a response to their demands for more to be done, as well as fulfilling a commitment to review the whole field, given in last year's environment white paper.

Renewables have had a switch-back ride since the 1973 oil shock, when prices went sky high, drew

attention to the need to look at alternatives to oil and coal. Some of the most promising, such as extracting heat from rocks underground, turned out to have insuperable difficulties. Wave power was set back by a report indicating prohibitive capital costs. Big wind generators have suffered breakdowns.

Despite these setbacks, supporters of renewable energy remain optimistic. Yesterday, Andrew Garrad, of the British Wind Energy Association, welcomed the

review, but said that the problem was not technical, but political. The Friends of the Earth accused the government of lacking the vision to make renewable energy reality.

□ The government wants binding international agreements on countering global warming and extinction of species to be signed at next June's UN environmental conference, to be held in Brazil, David Trippier, the environment minister, said yesterday.

Leading article, page 13

## Tories seek applications for third wave of trusts

By JILL SHERMAN, SOCIAL SERVICES CORRESPONDENT

THE government yesterday swept aside calls for a "go slow" on its health service reforms by asking for applications for the third wave of NHS trusts to start in April 1993.

Stephen Dorrell, junior health minister, also announced that 113 hospitals and units had applied to become self-governing in April 1992.

The numbers of applicants are almost double the figures which applied this time last year, and most of the units are expected to be approved by William Waldegrave, the health secretary, in the au-

turn. They include hospitals, community units, whole districts and ambulance services.

Applications for the third wave have to be in by mid-September and will be expected to run in shadow form from October 1992 for six months. Mr Dorrell said that the new applicants and the existing 57 trusts together accounted for more than a third of NHS services.

"The... trust initiative is one of the great success stories of the recent reforms of the NHS," he said. "I am confident that the third wave will result in the majority of NHS activity having been restored

to local management and control." Trust status reversed the over-centralisation of health service management in the 1970s, and gave local managers the flexibility and authority to do their job effectively, he said.

Under the scheme, hospitals opt out of local health authority control and have their own management boards.

Mr Dorrell claimed that the decision to press ahead with the second and third wave of trusts would be a "vote winner" at the next general election, because there was already evidence they were

treating more patients and reducing waiting lists, which he said was "a winning combination".

He cited a report by Newchurch and Co, management consultants, which was based on interviews with trust chief executives. The report claimed that one trust reported a 25 per cent increase in day-case surgery and said that many trusts had reduced their waiting lists.

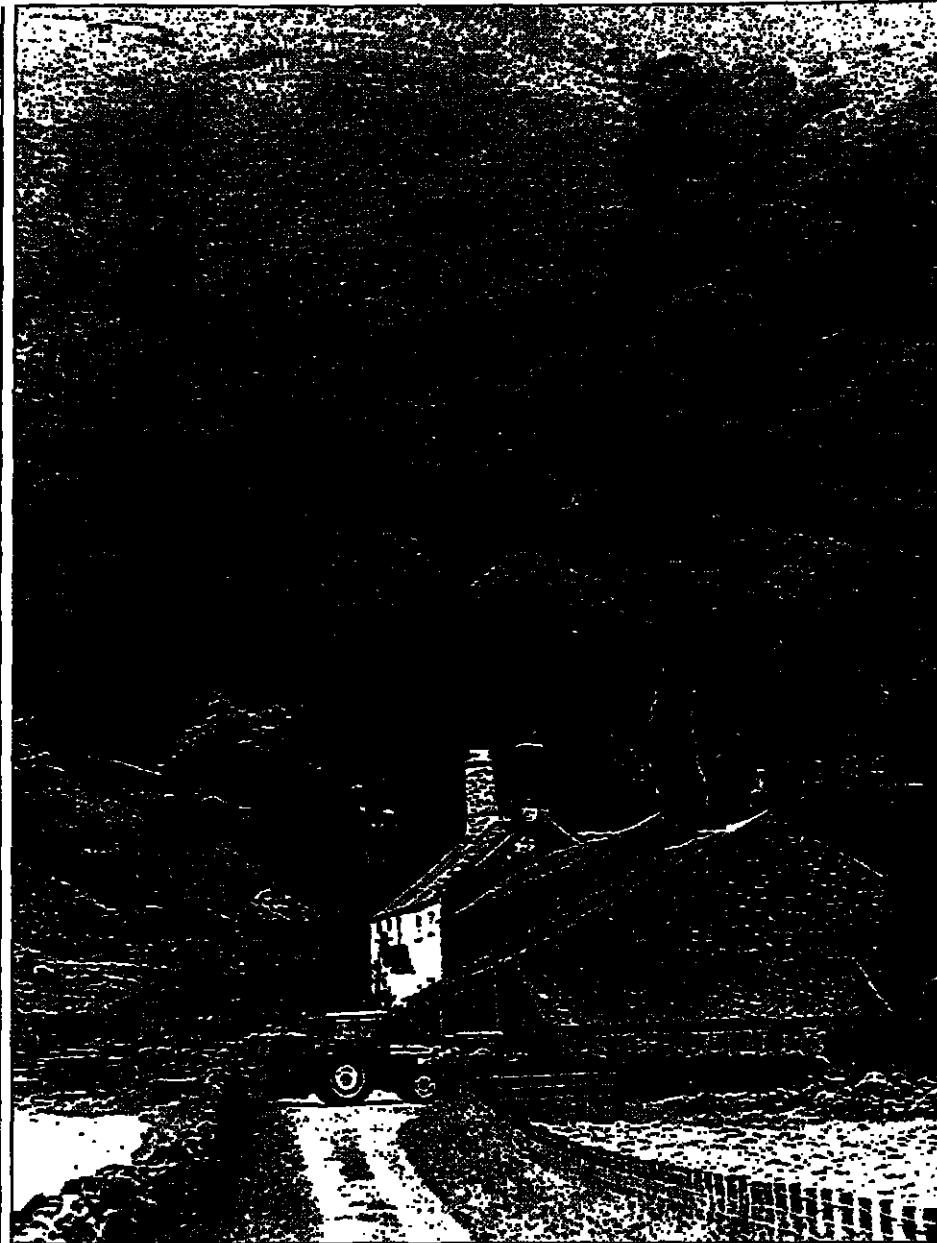
In recent months, however, a number of health bodies - including the British Medical Association, the medical royal colleges and the Royal College of Nursing - have called for the postponement of the second wave of trusts until the first 57 have been fully evaluated. They fear that the job losses announced at Guy's and Bradford trusts soon after they were formed in April will be repeated as hospitals try to balance their books.

Coopers & Lybrand Deloitte, the management consultants, have once again been called in to check out the financial robustness of the business plans of the 113 hospitals and units applying to be part of the second wave.

Last year, just 14 of the 65 applicants were thought to be financially sound.

Mr Dorrell said: "We shall be analysing the plans to establish that trusts can secure sufficient revenue to cover the costs of the trust."

Although all trusts will be expected to publish their business plans from next April, financial information passed to the health department before an application is approved will remain confidential, he said.



Paradise threatened: George Wilson fears for the future of his Glencoyne farm

## Hill farmers anxious over impact of EC reforms

By PETER DAVENPORT

GEORGE Wilson knows that he is a lucky man. He is the 12th generation of his family to farm in the Lake District. His land sweeps up 3,000ft from the shores of Ullswater to near the summit of Helvellyn, embracing scenery and views that attract 500,000 visitors a year.

He and his brother, Norman, have 3,000 ewes, 660 hogs and 40 suckler cows on their 4,500-acre Glencoyne Farm, near Glenridding village. But Mr Wilson is concerned that an accumulation of factors beyond his control is threatening the existence of farmers like himself.

Financially, he says, he is worse off than 10 years ago with rising costs and falling income. He is beset by "instant experts", worryingly dependent on Whitehall and Brussels for funds, and frus-

trated that it will all have a "disastrous" effect on the spectacular Lake District scenery.

Today, Mr Wilson and other hill farmers in Cumbria will hear Baroness Trumpton, the agriculture minister, telling them about the likely effects of the latest proposals to reform the Common Agricultural Policy from the Agricultural Commissioner in Brussels, Ray MacSharry.

The government is opposed to the proposals, claiming they simply will not work in the UK. Baroness Trumpton will meet the hill farmers at Glencoyne Farm where she will spell out government reaction and canvas the opinions of Mr Wilson and his colleagues.

Any suggestions which would result in further finan-

cial pressures will be greatly resisted by the farmers. Hill farmers' income has failed to keep up with outgoings, causing many to go to the wall and others to tighten purse-strings to survive.

Mr Wilson was recently elected chairman of a new pressure group of farmers, all National Trust tenants in the Lake District, formed to give them a voice in the debate over the future of our countryside.

The group argues that central government and European funding should recognise their contribution to the maintenance of the landscape as well as supporting sheep production.

Mr Wilson said: "The landscape of the Lake District today is testimony to the fact that succeeding generations of farmers have got it right."

## MP links Iraq facts to plea for a recall

DOUG Hoyle, chairman of Labour's backbench trade and industry committee, said yesterday that there would be demands "at a high level" for the recall of parliament for the government did not give more facts about the export of nuclear materials to Iraq.

Mr Hoyle, a member of the Commons trade select committee, has urged the recall of that committee. Yesterday, he called for the sacking of Peter Lilley, the trade secretary, and said that demands for a recall of parliament would come if the government did not tell the "unvarnished truth" over sensitive exports.

Mr Hoyle said: "This is now a searing scandal. If the government do not come clean and tell the unvarnished truth, there will be serious demands at a high level for parliament itself to be recalled."

Government spokesmen yesterday continued to deny that eight tonnes of uranium were exported under ministry licences between 1988 and 1990. A trade department spokesman said: "Almost all of the shipments were actually tiny radioactive isotopes for medical use, not depleted uranium."

No one on Labour's front bench was demanding the recall of parliament, and Neil Kinnock, Labour's leader, is away for the next fortnight.

## Hatton charge

Derek Hatton was yesterday charged with a fourth offence of conspiring to defraud Liverpool's ratepayers. The former deputy leader of Liverpool city council was jointly charged with a former Labour councillor, Hannah Folan, aged 45, and a property developer, Roy Stewart.

## Chess win

Julian Hodgson, the grandmaster from London, tightened his grip on the British chess championship at Eastbourne by winning his seventh round game against Christopher Yoo. Hodgson used his favourite, the Sicilian opening, to win the third game with it in this championship. Hodgson has 6½ points from seven games and looks certain to win the championship, which finishes on Friday.

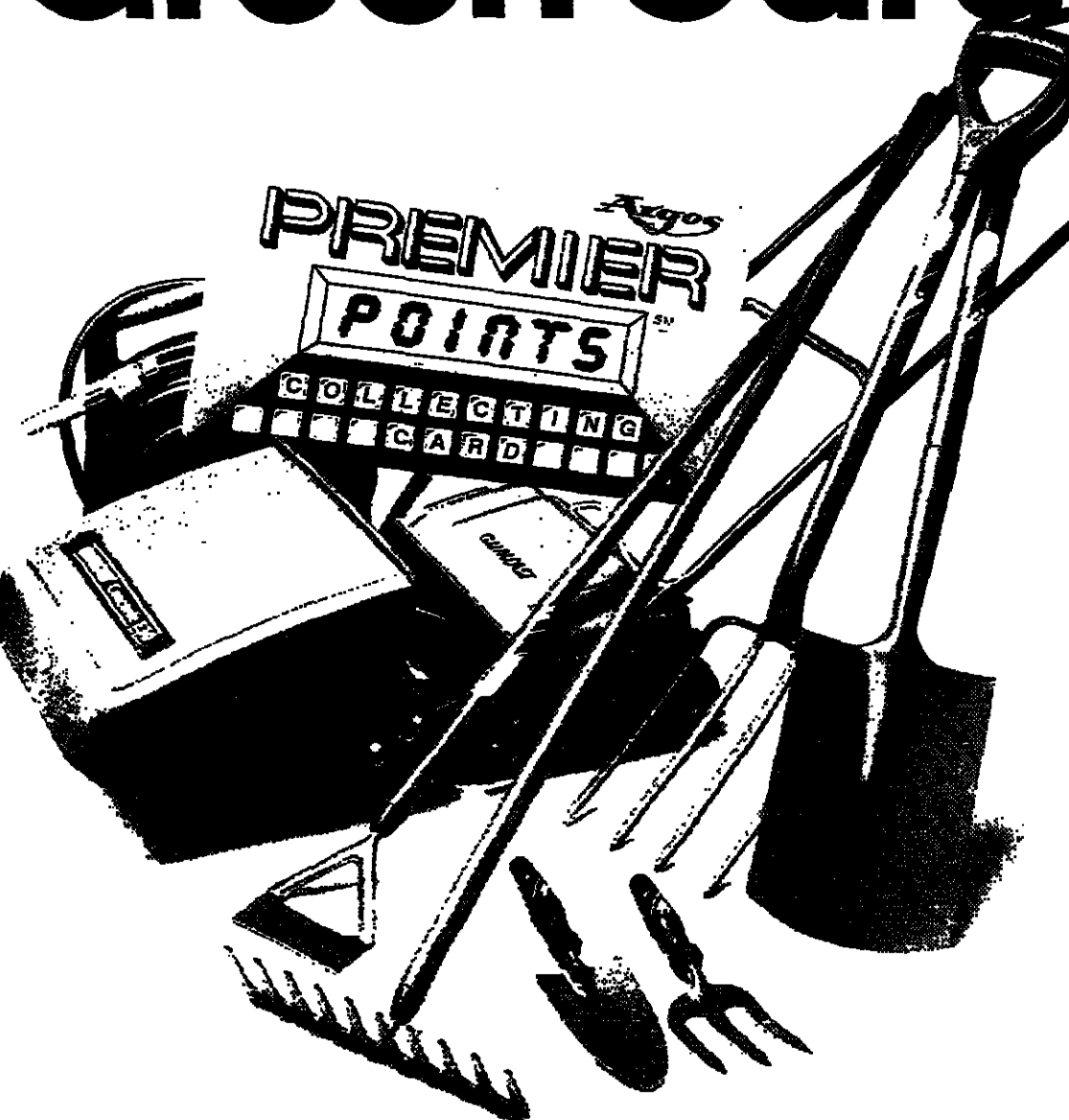
## Court challenge

The High Court is to hear a claim that Labour party rules were manipulated so that Frank Field, MP for Birkenhead, was re-elected candidate. The challenge is being brought by Paul Davies, who Mr Field defeated. The hearing would take place late next month or in early October. Mr Davies wants a declaration that the decision to select Mr Field was outside party rules and therefore null and void.

## Antares enquiry

A fatal accident enquiry is to be held into the deaths of four fishermen who died last November when their boat was dragged down by the nuclear submarine HMS Trenchant, it was announced yesterday. The enquiry will be held on September 2 at the Sheriff Court in Paisley, Strathclyde. The four men were all from the small Argyll fishing village of Carradale.

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## Drivers warned of delays

AA ROADWATCH has issued a warning to drivers using the northern section of the M6 that heavy holiday traffic could lead to delays in the Lake District area, while roadworks further south mean that a contraflow will be in operation between junctions 23, Haydock, and 25, Wigan. Fortunately, this contraflow will be lifted over the August Bank holiday period.

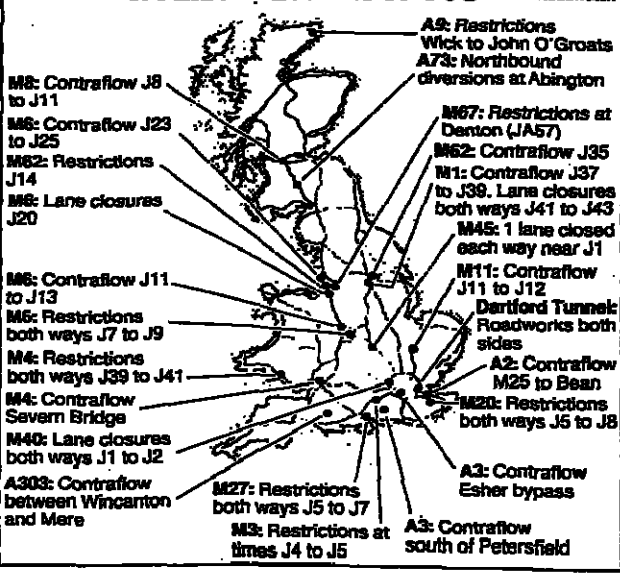
On the M1 in Yorkshire there could be delays because of contraflows on both sides of the M62 interchanges, also near Wakefield and Barnsley. On the M11 in Cambridgeshire there is a new contraflow in operation between junctions 11 and 12.

On the M4 there are continuing roadworks which could cause delays at the Severn Bridge, as well as roadworks further west near Port Talbot which could cause delays.

Other motorways affected by roadworks are the M27 in Hampshire, the M40 at its junction with the M25, and the M20 near Coldharbour and Hollingbourne.

Many roadworks in the West country have been suspended for the holiday period but work is continuing on a five-mile stretch of the A30 in Cornwall, leading to delays especially at weekends. In North Wales, roadworks continue on the A55 Pen-y-bont tunnel causing lengthy delays.

## HOLIDAY BLACK SPOTS



## Dog and owner found dead

By BILL FROST

A WOMAN apparently took her own life and killed her rottweiler after the dog had attacked a boy aged six, police was disclosed yesterday.

Deirdre Brown, aged 44, was found slumped in her car with the animal next to her. A hospice led from the exhaust into the vehicle. A note was recovered by police.

It is thought that Mrs Brown, of Hollingworth, Greater Manchester, feared that her pet could be taken from her and destroyed. She may also mistakenly have thought that the boy, James Walmsley, was seriously hurt

The incident happened on Sunday, and Mrs Brown was found a few hours later, a police spokeswoman said. The coroner has been informed.

Last night, the child involved was in hospital in a satisfactory condition.

In a separate incident, a girl aged two was seriously hurt after a rottweiler ripped open her head "like an envelope". Doctors at Middlesbrough general hospital, Cleveland, had to stitch five layers of skin back on to Charlotte Hall's scalp after the attack on Sunday. The dog snatched the girl from the arms of her father

David at a public house in Stokesley, North Yorkshire, where he is the chef.

His wife Deborah, aged 24, of South Bank, Cleveland, said: "He had to push the dog's head between his knees and pull the choker tightly round its neck before it would release its grip. It had her head in its mouth."

She added: "I can't bear to think what might have happened if she had been alone in the room where she was attacked. I don't think she would have survived it. I would have been arranging her funeral."



# Kidnapped boss forced to hand over £50,000

By BILL FROST

POLICE from three counties were last night searching for two men who kidnapped the manager of a travel agency and forced him to hand over £50,000 from his office safe.

Richard Brodie was confronted by the pair in the early hours of yesterday morning at his home in Ash, near Canterbury.

Detective Chief Inspector Vic Butcher, who is leading the investigation, said: "He was taken from his house in Kent, in his own red Peugeot car, and driven to the Thomas Cook branch in Newhaven, East Sussex."

Once at the office Mr Brodie, aged 33, was forced to withdraw travellers cheques, sterling and French francs from the safe. He was then driven to Warrington, Surrey

## Lesbian who cried rape is jailed

A LESBIAN cried rape to hide from her live-in lover that she had sex with a friend in an attempt to have a child, the Central Criminal Court was told yesterday.

As a result of Sandra Harris's lies, a man she picked out on an identity parade spent 18 days in custody until he was cleared by DNA genetic fingerprinting tests, Judge Richardson, QC, said.

The judge jailed Harris for 15 months, with nine suspended, after she admitted perverting the course of justice by falsely identifying Nigel Kennedy. The judge told her: "What you did was more than just reckless, it was wicked and selfish and a wholly innocent man spent 18 days in custody when one word from you could have freed him."

Michael Hucker, for the prosecution, said that Harris, aged 25, an unemployed carpenter of Rotherhithe, southeast London, claimed she was raped in November 1989 and gave police a detailed description of her alleged attacker.

Last July Harris's lover, Alison Westcott, spotted a man who matched the description and alerted police. Harris picked Mr Kennedy out on the identity parade and in spite of his denials he was held until the DNA tests were completed.

Police finally arrested a friend of Harris, David Sheedy, for the rape and his DNA matched the alleged attacker's. However Mr Sheedy denied rape and Harris later told police that she had asked him for sex.

Mr Hucker said: "She desperately wanted to have a child and the only way she could do that and still keep the relationship with the girl she was living with was to say she had been raped and from then on things snowballed."

Isabella Forsball, for the defence, said that Harris was "a storm-tossed character with a long history of being the prey of others".

## Population strategy unveiled

By THOMSON PREECE, MEDICAL CORRESPONDENT

WOMEN in the poorest countries should be able to get contraceptive pills from their local grocery store, Lynda Chalker, overseas development minister, said yesterday.

Easier access to contraceptive pills and condoms is needed for at least 100 million couples in the developing world and is crucial to controlling the global population explosion, Mrs Chalker said.

She was launching a policy document, *Children By Choice, Not Chance*, which summarises Britain's role in world population strategies. It includes 15 new projects to improve family planning services in eight countries designated by the overseas development administration for priority help: Bangladesh, India, Pakistan, Kenya, Malawi, Nigeria, Tanzania and Uganda.

The global population has doubled since 1950 and is now 5.4 billion. It is expected to increase by another billion during this decade.

The projects outlined by Mrs Chalker include five to supply contraceptives, five to strengthen reproductive health services, and five health and development schemes.



Flood money: Joseph Wa, of the China flood appeal, in the costume of Imperial China, counting the £39,780.98 from street collection boxes opened yesterday — an amount the charity hopes sponsors will match. Since February the floods have killed 2,000 and left thousands homeless

## IRA suspects' escape raised doubts over Brixton security

By DAVID YOUNG

THE chain of events which shattered the peace of a Sunday morning and led to two men on Scotland Yard's most wanted list escaping to freedom from Brixton Prison almost a month ago culminated yesterday with a report by Judge Tunnim and the replacement of the prison governor.

Despite a manhunt involving intensive checks at ports and airports, IRA suspects Pearce McAuley and Nessim Quinlivan, who were described as "committed and dangerous" by the head of the anti-terrorist squad, evaded recapture and still remain free. Anti-terrorist detectives believed the pair went to ground in a safe house in London.

On July 7, Mr McAuley and Mr Quinlivan, who were being held on remand, were being escorted back to Brixton Prison's high-security unit after attending a mass when McAuley pulled a small handgun from his hiding place in

the hollowed-out sole of his training shoe. He fired at least two shots at their three unarmed escorts, forcing them to hand over keys. It then took the two men four minutes to make their way through a courtyard and workshops to the perimeter wall, which they reportedly scaled after forcing a prison officer to help them.

The pair brandished the gun at a prison officer and hijacked his car. Another officer used his car to block their escape, but the two men ran to Brixton Hill and flagged down a couple driving to Heathrow to catch a holiday flight. Malcolm Kemp, aged 31, was shot in the thigh and his wife Naomi, also aged 31, escaped.

The men sped off in the hijacked car, later turning into a cul-de-sac behind Lambeth Town Hall. They flagged down a taxi to take them to Baker Street underground station and paid the driver with £20 stolen from the Kemps.

Eight days after the break-

out, Republican sources in Dublin claimed both men had made it back to the Irish Republic, but detectives say the story could have been circulated as disinformation to try to protect the two men.

Mr McAuley and Mr Quinlivan were arrested last October at Stonehenge after a nationwide police hunt for gunmen spotted at the home of Sir Charles Tibbitts, the former Whitbread chairman. They were later charged with conspiracy to murder Sir Charles and conspiring to cause explosions. Sources said they were also expected to face allegations about involvement in the attempted assassination of Sir Peter Terry, the former Governor of Gibraltar, who was shot at his home near Stafford last September.

Governor replaced, page 1

## Airlines' action deters drunks

By HARVEY ELLIOTT, AIR CORRESPONDENT

FIRM action against drunken charter airline passengers has sharply reduced the number of holidaymakers being turned away from flights to and from holiday resorts.

After years of increasing loutish behaviour among a minority of mainly young, unmarried men, Britain's charter airlines last year decided to take tough action by refusing to fly drunken passengers home, forcing them to use coaches or hitch-hike at the end of their holidays.

One drunk was ordered to pay £1,400 in compensation because his flight had to be diverted so that he could be put into police custody in Portugal. Publicity, and guidance to cabin crew on how to deal with problem passengers, appear to have worked.

Since the beginning of May to now — traditionally the

## Britain flies into dispute with EC

By PHILIP WEBSTER, CHIEF POLITICAL CORRESPONDENT

MPS are being urged to debate the fate of the jay, magpie, jackdaw, rook and crow in a dispute between the government and the European Commission that could land Britain in the dock in the European Court of Justice.

The Commons select committee on European legislation yesterday reported on a Brussels-London deadlock that has aroused rare emotion in the land-owning, shooting, conservation and ornithological lobbies, and uncovered a wealth of sharply opposing views.

In an attempt ostensibly to tighten controls on the five species, the commission is doing the opposite, according to the government and farming interests. In effect, it is proposing a closed season for "pests", and claims that Britain is in breach of Community law for failing to introduce one. It proposes to treat the five birds as pests for the first time by adding them to the 48 species mentioned in the hunting annex of its 1979 directive on the conservation of wild birds. That allows hunting "except during the breeding and rearing season".

Britain, however, does not yet observe the directive and operates under the 1981 Wildlife and Countryside Act, which allows the five species "to be killed or taken at any time" in the interests of public health and safety or to prevent serious damage to crops and livestock. The government is therefore opposing a move that, if adopted, would force Britain to introduce a system of licences for pest control in the closed season, and has asked the commission to allow all recognised pest birds to be killed throughout the year without the need for licences.

The select committee tried to arbitrate on the matter but, with so many opposing views, has suggested that it be passed to a special European standing committee, which all MPs are entitled to attend.

The NFU said they all did considerable damage, were increasing in numbers and required all-year control.

Select committee on European legislation: 27th report 1990-91 (Stationery Office: £6.40)

## Former priest to be new governor

By RICHARD DUCE

THE task of improving morale and efficiency at Brixton jail after the damning report into its security standards has fallen to Andrew Coyle, a man with a no-nonsense reputation in running Scottish prisons.

Mr Coyle, a former priest and has a doctorate in criminology from Edinburgh university, assumed early responsibility for the running of Brixton from last night after Reg Withers, the governor, was told to take "pre-retirement special leave" before his official retirement in October.

Mr Coyle, aged 47, became governor designate in June. He was previously governor of one of Britain's toughest jails, Peterhead in Grampian, where he was appointed after a siege in 1987. Mr Withers had

worked his way through the prison service ranks and was well regarded by prison and probation staff. He had been at Brixton since 1989 having transferred from Parkhurst.



Withers: well regarded by prison staff

## Tasty garlic still gets up British noses

By ROBIN YOUNG

AFTER years of resistance the British have become devotees of garlic. Many of us still do not like the smell but most agree that garlic is good for you and that it improves the taste of food.

The Garlic Research Bureau, based in Bury St Edmunds, reports that two-thirds of the population use garlic, two-fifths claim to do so at least once a week, about a sixth use it every few days, and more than 6 per cent eat it daily.

In a survey of 1,000 adults, two-fifths of respondents agreed with the statement: "I do not like the smell of garlic." Disfavour of the cloves' whiff was particularly pronounced among women and those aged over 55.

On balance, the bureau concluded, most respondents did not hold a strong like or dislike for the smell of garlic, and its odour could no longer be seen as a barrier to regular consumption.

Most garlic is used in cooking with almost three-fifths of Britons, especially the young and those in the AB social groups, sharing the continental view that garlic

improves the taste of food. The old-fashioned view that garlic does nothing to enhance a dish was clung to most obstinately by those over 55 and among low-spending DEs.

The culinary imagination has scarcely run riot, though. The food Britons most commonly seek to improve with garlic is bread. Given the state of our national loaf this may not be thought too surprising.

More than two-fifths of those surveyed ate garlic bread, but only a third used it regularly in their own

cooking. About a sixth of the population reckon their consumption of garlic is increasing, with more women than men claiming that they eat more than they used to.

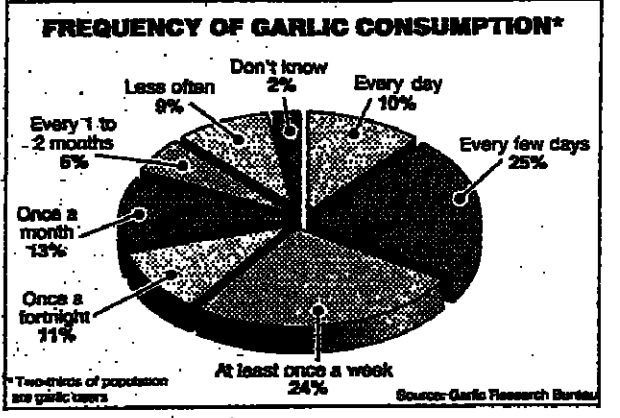
Almost one in 12 takes garlic in tablet form. Of those, a third were aged 55 or over, and more than two-fifths were from the social grade C1. More than half said they took garlic supplement to stay healthy, almost a third because they thought it was good for the heart, a sixth to benefit their blood, and an eighth to relieve or prevent symptoms of com-

mon colds and other ailments. Only 3 per cent said they took garlic because they liked the taste.

Most Britons probably have little idea how much garlic they eat. Quite apart from the hundreds of tons imported every year from Italy, France and Spain, the country's largest producer, on the Isle of Wight, supplies supermarkets with 125 tons a year.

Much of it, though, is not sold to the public in recognisable form but used subtly to flavour fresh chilled recipe dishes such as pre-seasoned steaks and chicken Kiev. All the main supermarket chains sell garlic bread, baguettes loaded with garlic butter. Tesco has launched garlic baked beans and in Sainsbury it is possible to buy garlic-coated Indian naan bread.

More surprising to Britons, though, might be the amount of garlic used in Indian and Chinese cookery, where the pungent cloves' presence is seldom suspected.



Leading article, page 13

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## 4 HOME NEWS

THE TIMES TUESDAY AUGUST 6 1991

## Gangland code gives police little hope of witness to shooting

By PETER VICTOR

POLICE yesterday renewed appeals for witnesses after a gangland-style revenge shooting on Saturday night. One man is in intensive care and two others are being treated in hospital after the incident in The Bell public house in Walworth, southeast London, in which two men died.

David Brindle, one of those killed, was almost certainly a target because of his connection with a murder earlier this year. The police must, however, collect sufficient evidence to prove that. It is not likely they will get it from those involved in the feud.

Detective Superintendent Bill Isley, leading the murder investigation, said: "We're not getting the co-operation we would like from those quarters. Obviously, there must be people out there who know what this feud is all about. There are people who know who the murderers are. We would appeal to them to come forward with information. They can do that anonymously and anything they tell

us would be treated in the strictest confidence." He is counting on someone with a grudge providing an anonymous tip-off. His chances of information from someone shocked at the brutality of the attack are remote.

Saturday night violence is unremarkable in this part of London; shootings merit little more interest than stabbings in an area in which hard men sort out their differences depending on who is best armed or has most back-up.

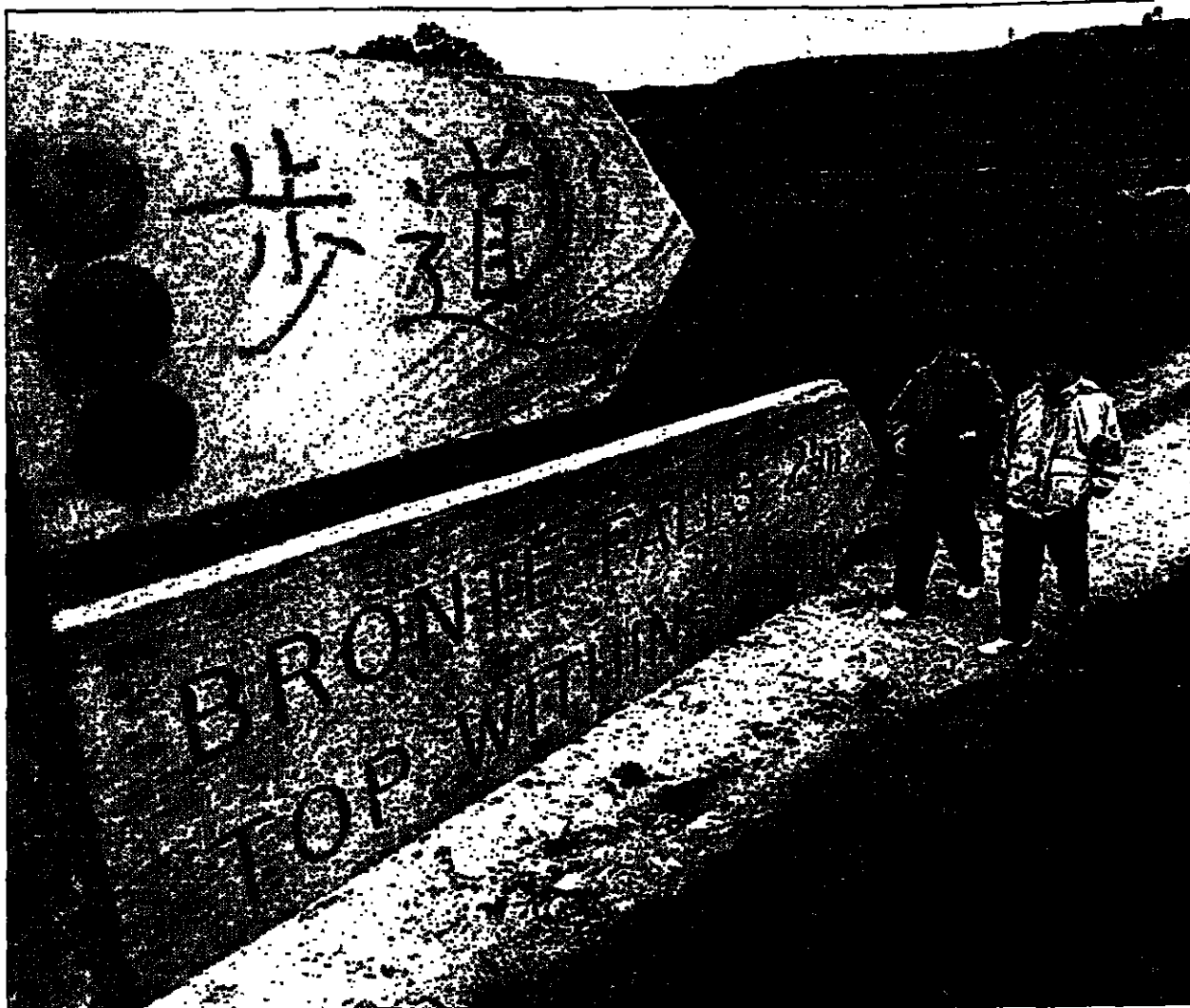
Mr Brindle was related to "Mad" Frankie Fraser — aka The Enforcer — who spent nearly 40 years in jail after his involvement in the Richardson gang torture trial, a murder at a club in south London and the 1969 Parkhurst prison riot. "A lot of these people are related to each other," Mr Isley said. "They know each other and they know what is going on in their world."

In the 12 months to mid-July there were 22 violent deaths in southeast London.

Ahmet Abdullah was one victim, shot last March as he stood in a betting shop with his pit bull terrier. Mr Abdullah was reported to have been related to one of south London's most powerful criminal families.

David Norris, a self-styled businessman marked down among Three Area criminals as a "grass", was shot last April by two men who fled on a motor cycle. In May, Robert Van der Laan, a publican from Bexley, was killed with a shotgun. Most other victims were stabbed or battered.

Many robbery "firms" or "teams" have their roots in the area and they are not averse to using firearms. The police occasionally fight gunfire with gunfire. In July 1977, marksmen shot dead two armed raiders during an attempted robbery of an abattoir in Plumstead. In November 1987, Tony Ash, an armed robber, was shot by police during an attempt on the Bejam freezer centre in Woolwich.



Sign of the times: Japanese tourists exploring the Brontë country around Haworth, West Yorkshire, where they are now shown the way to the sights by signposts and maps in

their own language. The scheme, by Bradford council and the Countryside Commission, was devised because Japanese visitors were getting lost in the village's winding streets.

## Stevens is confirmed as Heritage chairman

By SIMON TAIT  
ARTS CORRESPONDENT

JOCELYN Stevens, rector of the Royal College of Art, was confirmed yesterday as the next chairman of English Heritage by Michael Heseltine, the environment secretary. Mr Stevens, who is 59, will succeed Lord Montagu of Beaulieu next March.

Mr Stevens is expected to work part-time at English Heritage until the end of the academic year in June, when he will take up his duties full-time. His appointment coincides with news of the first exhibition designed and constructed by his college off its own premises, a £1.8 million celebration of the Queen's 40-year reign, at the Victoria and Albert Museum. It is Mr Stevens' only official connection with heritage matters and will open as he takes up his new role.

The exhibition, Sovereign, is to be mounted in the V&A's large new exhibition space which will be inaugurated this autumn with *Visions of Japan*. The display is likely to open with the notice on the railings of Buckingham Palace in February 1952 announcing the death of George VI. It will examine the public and private life of the Queen since that day.

The author and broadcaster Viscount Norwich is to be curator of the exhibition organised on behalf of the Royal Anniversary Trust. The trust has set up to create a programme of celebration for the anniversary. The exhibition will use many memorabilia from the royal family's private collection to help trace the Queen's reign. A large section will deal with the royal family's relationship with the press and television.

The exhibition is expected to include little material from the V&A's own collections. The plan has already run into criticism from the museum's own staff who, according to an insider, have questioned the appropriateness of the exhibition for a museum of fine and applied art.



Stevens: takes up post full-time in June

## Help for clients of care staff

By ROGER WOOD

MOVES to help people to cut through the bureaucracy of council social services departments when making a complaint were announced yesterday by the government in a follow-up initiative to John Major's citizen's charter.

Social services staff are being told that complaints must not become "lost" in the system, that people should not wait months for a reply, that no one should have to explain a problem to five or six people before anything is done and that complaints procedures must be well publicised.

Guidance on making complaints and how they should be dealt with was issued in line with the requirements of the NHS and Community Care Act and the Children Act.

Virginia Bottomley, the health minister, said: "Giving people the right to complain is particularly important to those who are most frail and vulnerable, and when services are absent, inappropriate or insensitive. This guidance emphasises the need for the public to be aware of their rights and the need for staff to be fully responsive to the needs of users."

## Salvation Army returns to Russia

By RUTH GLEDHILL, RELIGIOUS AFFAIRS CORRESPONDENT

WITH the band playing *Bravest of the Brave* and the yellow, red and blue flag waving against the clear blue sky, the Salvation Army has returned to Russia for its first march there since 1923.

General Eva Burrows, the organisation's world leader, who is based in London, led the march through Leningrad. Music was provided by the Oslo Temple Band.

The Salvation Army is particularly well-placed to take advantage of a big surge in religious interest in the Soviet Union since restrictions were relaxed. Its appeal is mainly to those who have had no previous contact with any church, and in Russia that means almost everyone under 30.

Officers in Leningrad are leading a scheme to co-ordinate the different charitable and social services that are springing up to cope with the country's endemic alcoholism, drug addiction, homelessness and poverty.

Before the Leningrad march, 80,000 brochures announcing the organisation's return were distributed, and posters were put up throughout the city. Gen Burrows preached the "message of salvation" in October Plaza. The Salvation Army's work was ended

by the Bolsheviks in 1923 and many of its officers died during the traumatic period between 1913 and then.

Colonel George Church, the organisation's international communications secretary, accompanied Gen Burrows on last month's visit. "When the general invited people to accept Christ, there was an overwhelming response," he said. "Also, dozens of Christians expressed their willingness to become actively involved in helping to re-establish the [Salvation] Army in Leningrad."

After Leningrad, the organisation visited Moscow to distribute Bibles and tracts to drug addicts and alcoholics at the 350-bed Ostravitsa hospital and the 3,000-bed Hospital 17, the world's largest drug treatment hospital. Once re-established in Moscow, it plans to hold regular services at that hospital.

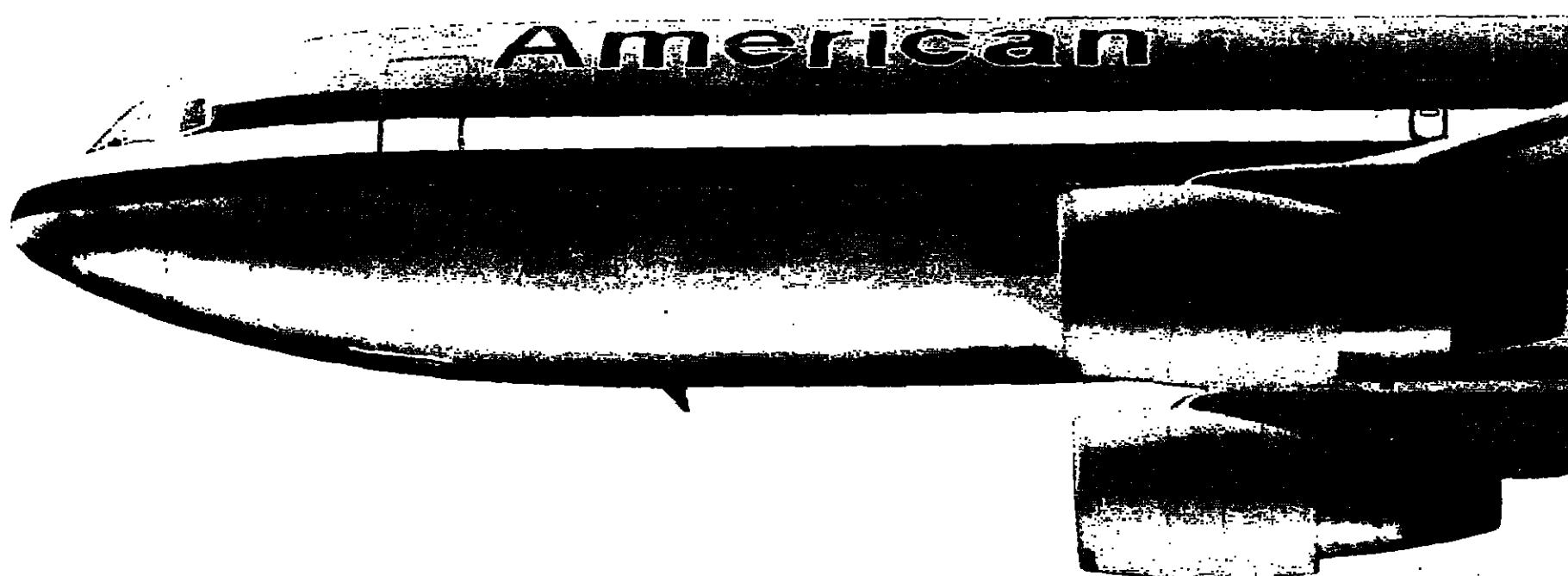
Lieutenant Geoffrey Ryan, based with the Leningrad corps, said last night: "On Sunday morning at 11am we have a church service. On the first week 37 came, on the second 150. This week, we are starting a Sunday school. Officers in charge of social work have commissioned a study of the social problems in Leningrad."

He added: "Alcoholism is a bad problem here. Old people and street children find life very hard. We are looking at the possibility of a soup run."

Lieutenant Ryan said there was also a vast spiritual hunger. "There is a real spiritual openness. People are open to the churches... After 70 years of imposed atheism, people have a real hunger."



Burrows: led the march through Leningrad



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## Workers angered by decision to end pupils' break during their traditional fortnight off

# Council cuts school link to Potters' holidays

By CRAIG SETON

POTTERY workers are angry over a decision by educationists to end the practice of allowing school holiday dates in The Potteries to be decided by the habits of the industry, which employs 20,000 people in companies such as Wedgwood and Royal Doulton.

To the displeasure of pottery trade unions, Staffordshire county council has voted to bring The Potteries into line with the rest of the county and end the Potters' fortnight for schoolchildren from next year.

Potters' — the annual industrial two-week summer break — takes place in the last week of June and the first week of July, out of the six-week state school summer holiday accepted almost everywhere else in England and Wales.

Pupils in Stoke-on-Trent and Newcastle-under-Lyme, Staffordshire, have become accustomed to taking the early holiday before returning to school for three weeks and then breaking up again for a shorter summer vacation.

However, the Potters' fortnight has not always been taken during the present two weeks, which was fixed in the 1970s. Over the decades it has been taken at different

times between early June and August.

Potters' is believed to have evolved from Wakes celebrations based on religious anniversaries. Josiah Wedgwood, founder of the china-making company that bears his name, recognised in 1776 the growing importance of fixed workers' holidays.

He said then: "Our men have been at play four days this week, it being Burslem Wakes. I have rough'd and smooth'd them over and promised them a long Xmas, but I know it is all in vain, for waxes must be observed though the world was to end with them." Two centuries ago, there were three Wakes holidays in The Potteries, allowing workers a few days away from the smoke and dust that they were exposed to as part of their jobs.

Before the advent of foreign package holidays, Potters' meant that Stoke-on-Trent virtually shut down, as thousands of workers and their families crammed on to buses and trains and headed off to fill boarding houses at Rhyl and Llandudno on the north Wales coast, or Blackpool, Lancashire.

The present move to end Potters' has met fierce opposition from pottery workers, who intend to continue taking the holiday. Union



Playing with tradition: pupils Neil Bland and Elizabeth and Tim Law toy with old favourites at the Gladstone museum, Longton, Staffordshire

leaders have said that members would ignore the education authority and take their children out of school anyway. Harold Hammersley, assistant general secretary of the Ceramic and Allied Trades Union, said he feared that there would be conflict over the move, and criticised county officials for interfering in local matters. The

traditional break during the longer days of the early summer had given workers more time to clear their lungs in the fresh air, he said. Holiday accommodation was also easier to get at off-peak rates.

Other local industries that shared the holiday had fallen out of line with the Potters', he added. At one time, "pits and pots" referred to the

same weeks taken by miners in the north Staffordshire coalfield and the pottery employees, but the collieries now staggered their holidays. Mr Hammersley said: "Going back to the late 1960s and early 1970s, it was traditional for us to have two weeks in August, in common with the Wakes fortnight in the Lancashire and Yorkshire industrial areas. Our

members were subjected to the vagaries of the English weather and they wanted it earlier. I remember a series of wet Augusts before it changed." He recognised, however, that the industry was changing. The 20,000 union members in The Potteries are only a third of the total after the second world war. Mr Hammersley also conceded

that the workers no longer rushed off to take the sea air at Rhyl or Blackpool during Potters', with most now just as likely to fly to Benidorm or Majorca. The British Ceramic Manufacturers' Federation said that it intended to monitor the situation before deciding whether member companies would alter their holiday dates accordingly.

## Walkout over miner sacked for sleeping

Eight hundred miners went on indefinite strike yesterday after a colleague was dismissed for sleeping underground at Frickley Colliery, near Pontefract, West Yorkshire.

The father-of-two, aged 29, was dismissed by British Coal last month after an underground manager reported him. His colleagues voted overwhelmingly for industrial action in a pithead ballot.

Steve Tulley, NUM branch secretary, said the man had been up most of the previous night with his sick, seven-month-old daughter. "He went about his business until 10.30am when he stopped for a break and just nodded off."

## Murder charge

Albert Dryden, aged 51, of Consett, Co Durham, was remanded in custody for trial at Newcastle crown court charged with murdering Harry Collinson, a council planner, in a shooting incident watched by millions of TV viewers.

## Ardiles banned

Oswaldo Ardiles, Newcastle United football manager, was banned from driving for four weeks by Barnet magistrates after driving his Mercedes at 105mph on the M25.

## Girl, 11, raped

A girl aged 11 from South Yorkshire was raped at knife-point by a man who lured her into a public toilet at Clumber Park, near Worksop, Nottinghamshire.

## Circus clash

Three people were injured when about 50 animal rights supporters and circus staff clashed at McDonald's Circus, in Churston, Devon.

## Nissan jobs

Nissan, the Japanese car manufacturer, is to open a parts distribution centre creating 75 jobs near Lutterworth, Leicestershire.

## Mountain death

An RAF team recovered the body of a man found by two climbers on Ben Nevis after falling 600ft to his death.

## Jail job switch

Inmates at Dartmoor prison are to stop making mailbags and switch to boxer shorts and chef's hats.

## Lottery list could put paper in court

AS TERESA Magee, of Newry, Co Down, celebrates becoming the first Northern Ireland resident to win £1 million in the Irish republic's lottery, the editor of one of Ulster's two morning newspapers faces possible prosecution for publishing winning numbers.

Nick Garbutt, who edits the nationalist *Irish News*, has been questioned by police who are to report to the Director of Public Prosecutions. The Royal Ulster Constabulary was acting on demands from Stormont's health and social services department, which monitors gambling law.

Officials say that the gaming and lotteries act forbids publication in the province of lottery numbers. The RUC apparently responded after several letters enclosing cuttings and the relevant section of the act were received.

Although his paper is often a thorn in official flesh, Mr Garbutt is astonished. "We are now in the bizarre position of being allowed to carry stories about the winners but face prosecution for printing winning numbers," he said.

The *Irish News* sells in Northern Ireland and in the republic's border counties, where papers from Dublin carry numbers from the twice-weekly draw, which raises £2 million to £3 million a time for good causes. "We started publishing them six weeks ago in response to readers' demand," Mr Garbutt said. "We now have a situation where a government department is putting a northern company at a disadvantage against its Dublin rivals. We have no argument with the police, they are just doing their job. But they are acting against us as a result of a sustained campaign by the DHSS. You would have thought the RUC had more important things to do than to drag us to the courts on the say-so of civil servants."

Dublin papers carrying the numbers circulate in the north and two other Ulster papers publish them, Mr Garbutt says. "We are not suggesting for one moment that they should be prosecuted, but it is quite clearly unfair that we should be singled out for attention in this way," he said. The DHSS declined to comment because the matter was being pursued by police.

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## Sex offence defendants may lose statement right

By QUENTIN COWDRY, HOME AFFAIRS CORRESPONDENT

PEOPLE accused of sex offences may be banned from having copies of witness statements under proposals designed to curb an allegedly common form of pornography operating within jails.

Preventing defendants from holding copies of witness statements is the most radical of the options being considered by the Home Office after reports that many sex offenders derive prurient pleasure from reading witness statements and that the documents are often the subject of eager bartering between inmates.

A Home Office consultation paper, issued yesterday, condemns such behaviour as "objectionable and distasteful" and says that, if controls are not introduced, there is a danger that victims of sex offenders might be discouraged from going to the police for fear of bringing on themselves "further anguish and embarrassment".

The department has rejected as inadequate moves by

the Law Society to curb abuse of witness statements, which defendants have a legal right to see. Last autumn the society issued guidelines urging solicitors to remind clients that misuse of witness documents, which generally contain intimate details about offences, could amount to contempt of court. The society has also recommended that statements sent to defendants in custody could be held under lock and key and only disseminated under supervision.

John Patten, the Home Office minister, yesterday criticised the society's approach as too narrow, saying that not all defendants had a lawyer and that there was evidence of statements being abused by people not in custody.

The consultation paper suggests that a solution might be to ban defendants from having witness statements and to restrict defendants to reading them in a solicitor's office or some other designated place. Alternatively, it says, defendants could be forbidden from

passing them to people other than their lawyers.

Mr Patten said that disclosures about misuse of witness statements in sex offence cases had shown that the law favoured the defendant, not the victim.

The department's initiative comes 18 months after Clare Short, Labour MP for Birmingham Ladywood, gave Mr Patten a dossier on cases of misuse of documents. These included the testimony of an elderly woman who had been raped in her home and statements that had been circulated in prisons as pornography.

Ms Short said: "I have been told by a jailed paedophile that imprisoned sex offenders swap witness documents for tobacco and use the material as a form of pornography. This is a revolting practice which we must try to do everything to restrict."

A statement by the rape victim, explaining in detail her "going-to-bed routine", had been circulating freely among the assailant's family and friends, Ms Short said.

Ray Wye, director of the Gracewell Clinic, which provides therapy for sex offenders, said that sex offenders, especially paedophiles, often used witness statements to arouse themselves. "Most solicitors provide their clients with photocopies of witness testimonies. In the case of sex offenders, this can often just feed their fantasies," he said.

The Law Society welcomed the consultation paper but said it did not believe that the solution to the problem lay in creating new offences that would be difficult to enforce.



Patten: considers law is favouring defendants



Short: reported misuse of sex offence statements

## Playground costs queried

By JOHN O'LEARY, HIGHER EDUCATION CORRESPONDENT

MILLIONS of pounds will be wasted if playgrounds are upgraded to meet the demands of safety groups, according to university researchers.

The Child Accident Prevention Trust and the National Playing Fields Association have been campaigning for soft landing surfaces in playgrounds. Robert Hughes, Tory MP for Harrow, introduced a private member's bill last year to make safety standards legally enforceable.

However, a study at the East Anglia university's environmental risks assessment unit questions the need for costly improvements. More than 7,000 children are killed in accidents each year, but only one on average results from a playground accident. The researchers fear that the extra cost of improvements might lessen the number of playgrounds

and expose children to additional risks elsewhere.

In the first large-scale research for 14 years, David Ball and Karen King had access to new trade and industry department statistics on leisure accidents. Their results will be published later this month in the journal of the Royal Society for Health.

The researchers say that successive official reports, and television programmes such as *That's Life*, which ran a campaign on playground safety, have encouraged popular beliefs that urgent action is needed to reduce the risks to children, and that soft surfacing around playground equipment would be a panacea.

The assumption has been that most injuries are to the head and involve fixed equipment. A new statistic suggests that there are 42,000 playground accidents a year

requiring hospital treatment, compared with a Consumers' Association estimate in 1976 of 150,000. The researchers' new figure of 2,000 children admitted to hospital is one-sixth of their previous estimate.

About 40 per cent of accidents did not involve playground equipment, where soft landing islands would be installed. Accidents were common to all surfaces and most did not lead to serious head injuries, which rubberised surfaces were designed to combat.

The researchers acknowledge that society values children's lives more than others, and that cost-benefit cannot be the final arbiter of public safety. With one fatality a year from playground accidents, however, they suggest that the improvements demanded would place an implied value of £100 million on each life.

## CPS union in attack on Bar

By FRANCES GIBB, LEGAL AFFAIRS CORRESPONDENT

THE union representing most of the 2,700 lawyers in the Crown Prosecution Service and other government departments has called for its members to present cases in crown court.

In an attack on the Bar, which has said it will resist "state prosecutors" being allowed into the higher courts, the First Division Association said the Bar's monopoly was

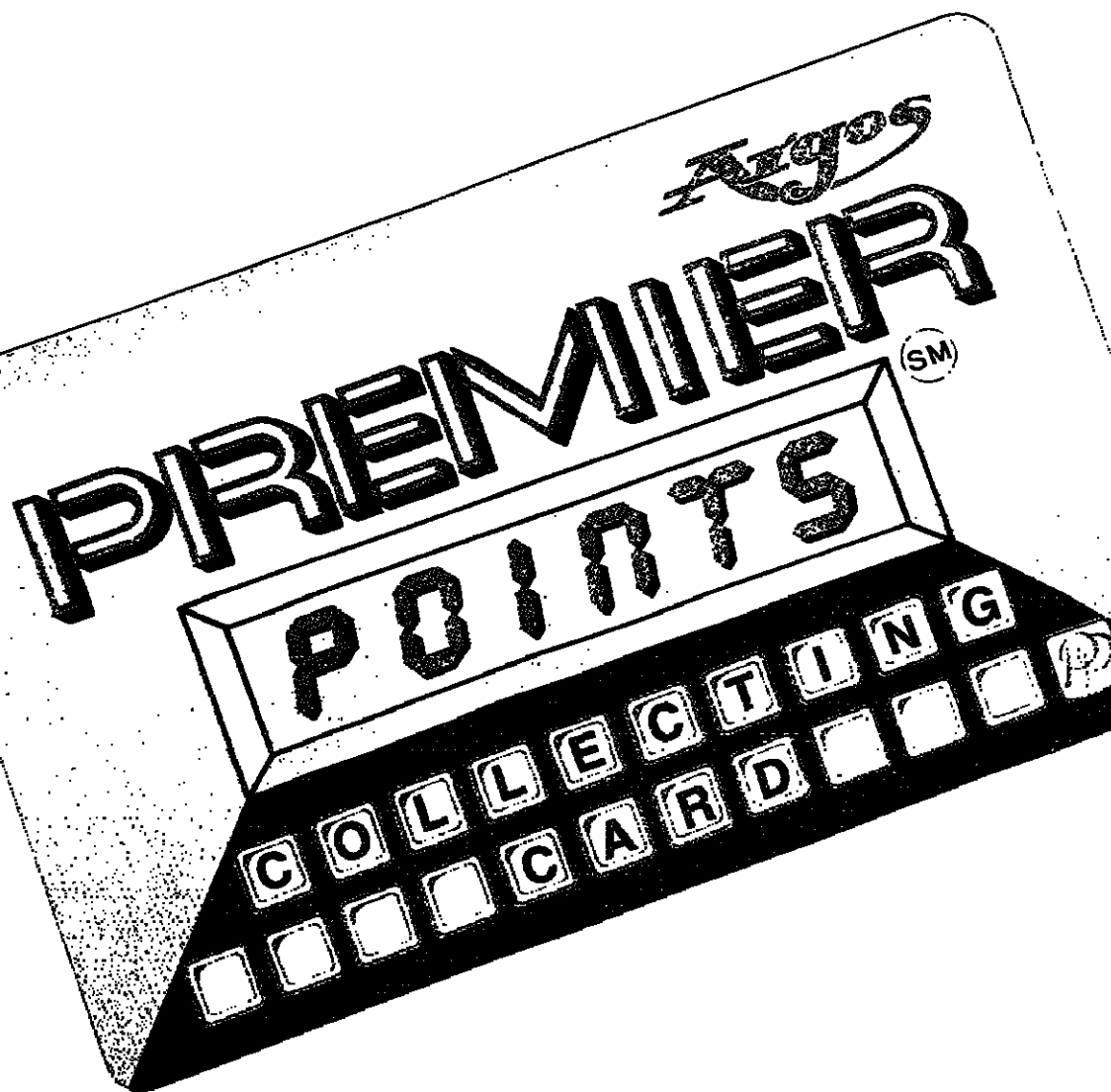
outdated and against the public interest.

Government lawyers, who are qualified solicitors or barristers, should not be treated as second class lawyers, the union said. "It is anachronistic that at the end of the 20th century members of the practising Bar have the exclusive rights of audience before the higher courts."

It would be churlish to suggest that those advocates who practise day in, day out, before the magistrates' court and numerous tribunals have not attained extensive advocacy skills or the ability to present a clear and succinct case.

The union pointed out that its barrister members ceased to have full rights of audience in all courts when they joined the government legal service.

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## Survivors tell of ordeal as controversy rages over sunken liner

# Passenger claims Oceanos scraped reef at Réunion

From RAY KENNEDY IN JOHANNESBURG

FLOODED passenger cabins on the lower deck of the Oceanos, the Greek liner which sank off the South African coast on Sunday, were evacuated three weeks ago at the start of an ocean cruise, it was claimed yesterday.

Stuart Hughes, aged 24, of Johannesburg, and his wife boarded the ship in Durban on July 13 for an 11-day cruise to Mauritius and Réunion. "It was fairly rough when we left port and the next day there was water coming through the floor of the cabin showers on the lower deck," he said. "Friends were in one of the cabins but the ship wasn't full and they were moved up a deck."

"When we reached Réunion the ship seemed to scrape over a reef as we entered the harbour. Whether that caused

any damage I don't know, but it certainly sounded alarming. Apart from that, the cruise was enjoyable and the crew helpful and attentive."

On the last night of the cruise, Mr Hughes and his wife had dinner at the captain's table, he said. Captain Yannis Avranias, aged 51, talked mainly about his retirement next year. But, Mr Hughes said, "he also said that South African waters were the worst he had ever been in and he seemed to be unhappy about the coming East London trip."

Confusion continued throughout yesterday about the exact number of people on board the Oceanos, but it was said that all the passengers had been accounted for. Major Gerrie Everts at the South African Defence Force's res-

cue co-ordinating centre at Silvermine, near Cape Town, said that the passenger list contained 361 names "and all are safe and accounted for". However, he said: "We have been told that the crew list, which contained 179 names, might be a bit out of date, so we are not sure that all crew members have really been accounted for. But the fact that we have found no bodies to date is a good sign." Later it was reported that the last crew member had been found safe.

A spokesman for the liner's owners, Epirotiki Lines, said that Captain Avranias had maintained his position throughout in assisting the rescue in the most effective way. Crew members got into the lifeboats first to help passengers, he said.

He said the passengers and crew were evacuated according to a plan that called for shutting some people to rescue craft on lifeboats and assisting the rest to safety. The plan, drawn up by the ship's captain and officers, called for non-essential crew and younger passengers "who were able to cope with this operation" to disembark into lifeboats.

"These passengers also had to board cargo ships from the lifeboats, which required substantial crew assistance," he said.

Dr Piet Weigemoed, the South African minister of transport, said yesterday that a maritime court would investigate the sinking of the Oceanos in conjunction with interested Greek parties. He did not say when the court would sit.

The weather along the Wild Coast, a graveyard for shipping for hundreds of years, was abating yesterday. Salvage companies in East London were awaiting clearance from the owners to send divers down to the Oceanos.

● Johannesburg: Aziz Tassem, aged 27, a sound recordist with Visnews, the international television news agency, has been identified as the man killed in a road accident on Sunday while covering the Oceanos sinking. (Reader)

Captain's Story, page 1



Heroes of the sinking: Moss Hills, a musician, reaching safety in East London with his wife, Tracy, after hours on sharply sloping decks helping elderly passengers. Below, the scene from which they escaped, shown in a video of the Oceanos's last moments



## Clinging on by faith and prayer

By LIN JENKINS

MICHELLE Jazrami prayed for hours while she was being tossed by the waves as a flotilla of cargo ships surrounded the Oceanos, the sinking cruise liner, trying to rescue the survivors.

In a telephone call from a hotel in Durban yesterday the 24-year-old croupier told her mother in north London that she was safe and planning to return home after her ordeal. "She just said she was praying and praying and in the water for some hours. She has some

sort of whiplash injuries from where they winched her from the water and has gone to hospital for X-rays," said her mother, Carol Jazrami. "I don't think the full impact of what happened has hit her yet," she added.

Miss Jazrami was one of eight Britons working on the ship. Her boyfriend, Tony Costano, said: "Even once they were rescued they were huddling under a tarpaulin on deck getting soaked. She said it was the longest time of her

life and, although she is a little hysterical, she is surviving on the adrenaline."

Julia Tsikis, aged 34, another Briton who worked in the ship's casino alongside her Greek husband, Avranias, spent most of yesterday unaware that he had survived. After hours together in a lifeboat he was thrown into the sea by crashing waves as survivors were winched onto a cargo ship.

Her mother, Margaret Green, of Brookwood, Surrey,

said: "She was being winched up and was flung against the side of the big vessel where she cut open her head. She saw her husband swept away and did not know until a day later that he was in hospital near East London and was not badly hurt. She said the whole thing was a dreadful experience."

"Nobody seemed to know what they were supposed to be doing, and there was nobody co-ordinating the evacuation of the ship," Mrs Green added.

## Will the real Li Jun please ring me?

From CATHERINE SAMPSON IN PEKING

LI JUN is the John Smith of China. There are so many of him that looking up his number in the telephone directory can take hours.

There may be more than a billion people in China, but there are traditionally only a hundred surnames, and a limited choice of given names. The result is too many people with the same names.

Having put up with the horrible confusion that the problem has caused for decades, the Chinese are now getting impatient and are suggesting radical changes. Yesterday's *China Daily* newspaper came up with a few suggestions. Traditionally, people are given two or three-character names: Li Jun, or Wang Jianguo, for instance. Only rarely do people have four-character names, such as Ouyang Jianhua.

If everybody had four characters to play with instead of two or three, the *China Daily* reports, there would be 27 billion possible combinations; and that is just using 3,000 common Chinese characters. Such breaks with tradition are not easy for people brought up in the Confucian way. Some people say that four-character names sound Japanese: there are few worse insults in China.

*China Women's News* has reported, however, that more than 2,800 people in Shandong province alone have adopted four-character names. When a girl called Zhang Xiao discovered that she had two namesakes at school, her parents decided to give her a couple of extra names so that she was more easily identifiable.

One of the biggest problems is not simply the number of characters in the names people give their children; it is what those characters mean. For the past 40 years under the Communists, choosing a name in China has been a tricky business, with political overtones. The reason why Jun is so popular is that it means "army" and is therefore a thoroughly respectable name in political terms. The other perennial, Jianguo, means "building up the country".

For girls, names of flowers are safe except in times of extreme leftism, but in general it is not a good idea to stray too far from the path of the political mainstream.

In most cases, you can hazard a guess at someone's approximate date of birth from his or her name. In 1989, several babies were born who will grow up to be embarrassed by names meaning "the suppression of the counter-revolutionary rebellion". This year the floods have brought a torrent of little "water babies" into the world.

● Hong Kong: The son of China's paramount leader, Deng Xiaoping, said yesterday that his 86-year-old father, who has not been seen in public since February, is healthy enough to live another ten years. Deng Pufang, speaking just before his visit yesterday to Hong Kong, added that his father was planning to swim at the resort of Beidaihe this summer. (AP)

## Manila police arrest rebel

Manila — Romulo Kintanar, chief of staff of the New People's Army and member of the Communist party of the Philippines central committee, was arrested with his wife at one of the most expensive hospitals in the Philippines yesterday (Veronica Pedrosa writes).

The couple were surrounded by policemen as they emerged handcuffed from the hospital after being arrested in an ophthalmologist's clinic, and were taken to a police camp. Mr Kintanar said he had been suffering from high blood pressure.

He apologised to the Philippines masses for being captured. He is the tenth communist leader to be captured in the past two weeks.

## Peace talks

Bangkok — The deputy foreign ministers of Vietnam and China will open talks on Thursday in Peking on Cambodia. The Voice of Vietnam radio announced. The talks will focus on efforts to end the war between the Chinese-backed Cambodian guerrillas and the Vietnamese-installed government. (AP)

## Forum 'illegal'

Nairobi — The ruling Kenya African National Union claims the Forum for the Restoration of Democracy, a new group campaigning for a return to multiparty democracy, is illegal, and says its founders will be dealt with "according to the law". Opposition parties have been banned since 1982. (Reuters)

## Troops open fire

Moroni — Security forces in the Comoros fired on a crowd demonstrating in support of President Djohar after the supreme court in the Indian Ocean islands impeached him on the ground of incapacity. Ibrahim Ahmed Halidi, the court president, who had been named as acting president, was under house arrest. (AFP)

## Seoul defied

Tokyo — Park Song Hee, aged 21, a South Korean student leader arrived in North Korea in defiance of South Korean law, the North Korean central news agency reported. She is the second South Korean student leader to visit Pyongyang recently, it said. Thousands of people welcomed her at the airport. (Reuters)

## Party's over

Peking — The deputy mayor of Zunyi, the city where Mao Tse-tung rose to power, was dismissed and lost his party membership after being found with a prostitute, the *China Women's News* said. Police caught Xu Dujun in flagrante delicto in Guiyang, the capital of Guizhou province. (AFP)

## Lebanon arrests

Beirut — Police arrested 58 supporters of General Michel Aoun for "jeopardising state security" while putting up banners in support of the general, stranded in the French embassy awaiting permission to take up asylum in France. The arrests cast doubts on reports that he would be allowed to leave Lebanon within two weeks.

## British comedian gives finest show

From GAVIN BELL IN EAST LONDON SOUTH AFRICA

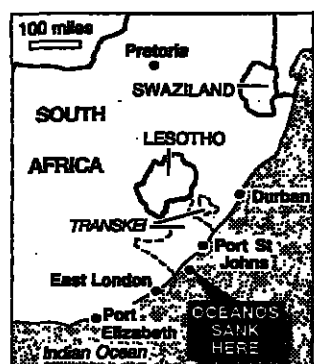
THE comedian Terry Lester was preparing to go on stage for "The Fairwell Show" when the lights went out, and a few hours later his theatre sank to the bottom of the Indian Ocean.

Lester, from Dorset, was among the last to leave the Oceanos before she sank in heavy seas off the South African coast on Sunday. The captain and senior officers appeared to have been among the first to abandon ship, leaving her in the control of a motley crew of entertainers and tour agency officials, including Lester, a magician from Scarborough, and a guitarist from Birmingham.

Instead of offering his repertoire of jokes and ballads, Lester, aged 51, found himself gripping a metal bulkhead and lashed to an elderly couple on a steeply sloping deck in a gale as he manoeuvred them towards the harness of a rescue helicopter. "I suppose you could say they were a captive audience," he said yesterday.

A veteran of the Northern club circuit in England in the Sixties, he described how the entertainers kept up a flow of music and jokes on Saturday night as the ship's passengers waited in the darkened main lounge to be rescued. "Moss Hills, the guitarist, started playing *Bye, Bye, Love*, but that obviously was not the best choice, so he switched to *A Hard Day's Night*, which got everybody going. We were singing and clapping quite happily in the dark, and nobody took it seriously until we started walking at a 45-degree angle."

Passengers paid tribute to Lester's finest performance, as his first and last naval command slid inexorably beneath



the waves. Tolkie Strydom, from Johannesburg, said: "He kept us smiling by saying things like this was a ridiculous way to get out of paying a bar bill, and telling old ladies this was no time to go to sleep."

Still wearing his dress trousers and a borrowed jacket yesterday, Lester claimed that senior officers had left the passengers to their fate. "They panicked and jumped into the lifeboats. By the time the helicopters arrived, the only officer left was the captain and he went on the second flight," he said. "We took over the ship. None of us had been trained in emergency drills, but we just got on with it. Some of us helped the passengers to get on deck, others raided the cabins for clothing and life jackets, and others helped to launch the rubber ducks [inflatable life rafts]."

As Mr Lester was bathing to secure lifelines on deck, Julian Russell, the magician, was struggling to launch inflatable rafts with a South African navy diver. Russell's most popular trick is levitation. "I wish we had had more success levitating those rubber boats," he said. "We tried to launch four of them, but we only got two away and used them to shuttle people to lifeboats pitching around near the ship."

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# European leaders divided on EC role in Yugoslav collapse

THE frustration over Yugoslavia reflected in German calls for sanctions against the Serbs is felt in equal measure over the failure of the European Community's efforts to make headway.

Critics of the EC believe that it is being driven by the Commission's ambitions to create a unified foreign policy rather than by any realistic approach to the problems of making peace between several communities in a single state. They say it is time to call a halt to the Commission's efforts to broker an agreement before they are irretrievably discredited.

The EC is facing a far more formidable problem than its regular fare of Japanese car quotas: the Serbs' historical willingness to face down even the most terrifying superpower odds. "The Commission", Professor Sir Harry Hinsley, former Master of St John's College, Cambridge, said, "is best fitted for dealing with soap, apples and herrings, but not good at dealing with Serbs. It is composed of busybodies."

The only role for the EC

David Watts analyses the frustrations felt over the EC's failure to make headway in its efforts to restore peace in Yugoslavia

would be to act as a local delegate for the United Nations, the only body able to intervene in international disputes. "For the EC to get involved in the first place was idiotic", he said, adding that it was noteworthy that those countries most in favour of some kind of military intervention were the "little chaps" like Luxembourg and the Netherlands that could make little or no contribution on that front.

Professor Hinsley is at pains to point out that the EC's role is not to act as a peace force, which like Topsy just grew, has no real effectiveness beyond information gathering and is not backed by any provision of EC law nor particular power beyond the prestige and the diplomatic clout of the nations represented. Under the EC's system, the foreign ministers of the present, past

and future holders of the presidency undertake such missions as they see fit. They have no military or police force upon which to call in bringing a situation under control and often the individual ministers represent separate national points of view in the absence of a unified European foreign policy.

That has been nowhere more obvious than in the present situation where the French, Germans and British have taken differing lines at different times on the despatch of a peace force and, more particularly, on individual national ambitions such as the German enthusiasm for greater regional influence through the granting of independence to Slovenia and Croatia.

Even on the question of a peacekeeping force, opinions have been sharply divided,



● Dumas favours peacekeeping force and the setting up of safety zones

with Roland Dumas, the French foreign minister, favouring such a force; Hans-Dietrich Genscher, the German foreign minister, is initially enthusiastic and is now less so while Douglas Hurd, the foreign secretary, has always been cautious on the force. For his part, Gianni De Michelis, the Italian foreign minister, is ready to take the majority view.

In the matter of South Africa, the EC had some



● Genscher supports an independent Croatia; seeks sanctions against Serbs

success, but, with four failed attempts at unravelling the Yugoslav imbroglio and the undisguised contempt of some Yugoslavs for the EC and its mission, the anti-EC lobby believes that it is time to call a halt to such missions until the European Community sets up some separate body to deal with the requisite political and, more important, military questions allied to the attempted solution of such problems.



● De Michelis ready to accept peacekeeping force under auspices of WEU

The Foreign Office, however, believes that neither the EC's Yugoslav mission nor the concept of the EC's role has run its course. The EC is seen merely as one EC approach to such diplomatic problems, a halfway house between a full-scale embargo by the 12 and the European Council. Others believe that if the EC's role is to have greater influence, its membership should be confined to those



● Hurd: concerned about Serbs but wary of sending a peacekeeping force

countries with the greatest diplomatic clout: Germany, France and Britain.

In any event, Europe cannot afford to abandon its Yugoslav peace-keeping efforts either in its own or Yugoslavia's interests in the view of Slobodan Pavlovitch, Reader in Balkan History at Southampton University. "The Yugoslav sickness is just part of the Eastern European sickness which is the result of the collapse of

communism. Nationalism is the last refuge of communism and it is merely more explosive in Yugoslavia because of the numerous nationalities."

Despite the fact that both Croats and Serbs had now come to believe that they were part of some "superpower" that could solve its own problems, the European intervention still had credibility. Nobody should believe that the rest of Europe would remain unaffected if Yugoslav tensions broke up the union and provoked a full civil war. From the Italian right's designs on Dalmatia to Bulgaria's on Macedonia and the Albanians' on Kosovo, the potential fallout would be far-reaching.

The only solution was for the Europeans to play the role that the now-discredited federal army should have played. Mr Pavlovitch urged that any peacekeeping mechanism allied to the EC. "This is the moment for it. There is no point in creating one and then waiting for a crisis. Now you have a crisis you have to improvise."

## Borders of greater Serbia start to emerge

FROM TIM JUDAH IN ZAGREB

LIKE a developing photograph, the borders of greater Serbia are emerging.

Take a map and circle the names of Croatian towns and villages that have fallen to Serb militiamen and join the dots. To date the line is not continuous, but at the pace the Serbs are going, it soon will be. The assumption in Zagreb is that what is left of Croatia at the end of this campaign, probably about two-thirds of its present territory, will then be told by Belgrade that it is free to become independent.

Asked whether the Croatian government had considered how it would react to full independence for a rump republic, Zarko Domljan, the speaker of the Sabor (parliament), answered simply "no".

The key question is how capable Croatia is of defending itself. Croats argue that if the Yugoslav army did not back the Serb militiamen, they could finish them off in a matter of weeks. But that is hypothetical. Even if there is no proof of the army shelling the Croats without being fired on first, there is also not a single case of the army preventing a Serb onslaught. In the face of such great pressure, unity could have been expected. However, over the past few days President Tudjman's greatest battles have been fought within his own party, the Croatian Democratic Union. Yesterday, he even announced that he had survived an attempt to "overthrow the Croatian leadership and government".

## Robber's last exit to Brooklyn

FROM JAMES BONE IN NEW YORK

A LATTER-day highwayman who tried to rob gamblers on a Greyhound bus going from New York to the casinos of Atlantic City failed to get any money and was lucky to escape with his life. The attempted robbery began as bus No. 8523 sped towards Atlantic City on Sunday. A masked passenger drew a .38 revolver and said: "I am taking this bus to Brooklyn." He ordered the driver to leave the motorway and instructed a passenger to collect money and identification from others on the bus. When the gunman asked for the driver's identification, the driver told him it was in the overhead rack. When the robber reached up, the driver slammed on the brakes and the gunman fell into the stairwell by the door.

The driver jumped on the robber and fought him for his gun. The two fell out of the bus and a passenger seized the wheel. When the robber broke loose, leaving his gun, the driver shot him. Though injured, he jumped over the crash barrier only to find that the bus had stopped on a flyover. He fell 30ft, hurting his ankle. The suspect, Dino Sacco, aged 33, was charged with kidnapping, armed robbery and aggravated assault.

As defeats continue on the battlefield, the power struggle has centred on key figures who have lost their jobs over the past few days. They include hardliners such as Sime Dodan, the former minister of defence, and Martin Speljel, the former head of the National Guard. The result of the quarrel is that at this critical moment Croatia's armed forces have no military leadership. A source in parliament said the power struggle centred on the question of how active a defence — or offence — Croatia should mount against the Serb militiamen and, far more important, the Yugoslav army.

President Tudjman has argued, so far successfully, that Croatia is simply not strong enough to take on the army in an all-out war and that the Serbs want the Croats to fall into that trap and hence be defeated. He said yesterday that his political enemies had tried to force his hand by creating a "psychosis of fear". He also accused them of "creating refugees for political ends. Incidents have been staged by provocateurs and in at least one place people were made to leave without need."

Dr Tudjman was clearly referring to the town of Kostajnica whose population was mysteriously and totally evacuated last week and abandoned by Croatian forces without a shot being fired. More than 24 hours later, the town was "retaken" by the Croats. In the meantime, Zagreb radio reported "fierce battles" and subsequently the town's "liberation".

For Croats the question of Serb-populated areas has nothing to do with self-determination, as the Serbs argue, but rather with Serbia's imperial ambitions.

With Serb militias closing in, Croats are appealing to the West to intervene militarily if necessary. Unless radical decisions are taken today by the European Community's foreign ministers in The Hague, the battle for Croatia will intensify and Europe's nightmare will become reality as what is left of Yugoslavia begins to unravel.

Dhanapala Samarasekera thinks it is the perfect Third World vehicle because it is cheap to run and easy to repair. He has decided to start making them because those left in Sri Lanka are mostly in a sad way. In partnership with Charles



Throwing in the towels: German holidaymakers and sunseekers from neighbouring countries, attracted by recent high temperatures along Germany's North Sea coast, packing the beach at Bismar to bursting point yesterday. Other resorts in the area report a similar rush of visitors

## Bush believes that time is right for Cyprus talks

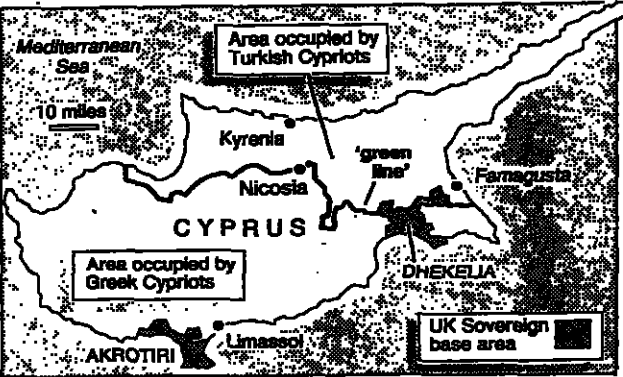
FROM MARTIN FLETCHER IN WASHINGTON

PRESIDENT Bush's announcement last Friday that Constantine Mitsotakis, the prime minister of Greece, and President Ozal of Turkey would meet in the United States next month to try to resolve the Cyprus dispute elicited groans from some American commentators.

Mr Bush was determined to solve the problems of the Soviet Union, the East Europeans, the Arabs and Israelis, the Kurds, and the Kurds — and now the Greek and Turkish Cypriots. When, they asked, would he address the problems of Americans?

The critics were right to draw attention to Mr Bush's domestic failures, wrong to minimise the importance of a timely intervention in the Cyprus dispute. During the 1960s, Washington considered Cyprus an island of considerable strategic importance, fearing that Archbishop Makarios, its leader, would allow Moscow to turn it into a "Mediterranean Cuba".

That threat has now passed, but American concern about Cyprus has revived for



another reason. The divided island is a key irritant between two Nato allies on the organisation's southern flank. That flank has grown in importance as East-West tensions have diminished and the Middle East has emerged as a more likely arena for war.

The Greek-Turkish dispute has "been an embarrassment within Nato for years", said Paul Cook, the deputy director of European Studies at Washington's Centre for Strategic and International Studies. "The basic supposition is that allies don't make war on each other, but these two southern allies can barely work together, and all sorts of

things get bogged down on the Cyprus question."

Mr Bush perceived that the Gulf war could change attitudes and balances not only in the Middle East but also in southern Europe, offering new chances to resolve disputes there, too. The war forged strong bonds between Mr Bush and Mr Ozal, an important move for Turkey which feels cold-shouldered by Western Europe.

● Nicosia: Rauf Denktaş, the Turkish Cypriot leader, said he would resist attempts by the Greek Cypriot government to sit at a proposed peace conference as the sole government. (Reuters)

## Moscow exhibits contrition for the Afghan war

FROM MARY DEJEVSKY IN MOSCOW

MOSCOW'S central exhibition hall, hard by the Kremlin, has housed but few spectacles as bold or as jarring as its latest show, advertised in red and black banners over the portals, "The Afghan War".

"What war?" a Soviet comrade might have asked a few years ago. "We fought no war. We sent a 'limited contingent' to help our Afghan allies, at their request." The exhibition, with its military hardware, reconstructed field hospital and videos, photographs, reminiscences, paintings and songs, tells another story.

Since the withdrawal from Afghanistan in 1989, a monument to the Soviet dead has been erected quietly in a north Moscow park. A memorial service has been held on each of the withdrawal anniversaries. But the exhibition is the first official and public recognition of the nine-year conflict as a war.

The unlikely combination of sponsors, who include the defence ministry, the KGB, the Communist party, official and unofficial veterans' and

mothers' organisations, fosters perpetual ambiguity. Afghanistan is presented as a war born of two conflicts — within the Soviet leadership and Afghanistan — and as a war that should never have been fought.

Vast red banners declaring "On guard for peace," the watchword of the Soviet armed forces, festoon the hall. Beside the mock-up of a barracks, the distant sounds of Leonid Brezhnev's voice and Afghan war songs mingle with gunfire and — from the visitors — subdued sobs. Each bed has on it a photograph, flowers, sweets and badges. Glass cases display the medals and personal effects of the dead — a wooden gun, a soft toy, a guitar. There are half-written songs, diaries, letters.

At the centre is the prize that was fought for: Afghanistan, depicted in rugs, photographs and facsimile documents in Arabic script. Two pipes are inscribed: 13,833 killed; 49,985 wounded.

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## KGB 'is cleared' of attack on Pope

Rome — A Soviet investigation into allegations of KGB involvement in the 1981 assassination attempt on the Pope has cleared the Soviet security police of any responsibility, judicial sources said here yesterday.

President Gorbachev has told the Italian prime minister, Giulio Andreotti, in a letter that he ordered the investigation, according to the sources. Signor Andreotti has informed the Italian magistrate who has been carrying out a third investigation of the shooting in St Peter's Square, in which the Pope was wounded. A Turk, Ali Agca, was found guilty of the shooting, but KGB and Bulgarian secret-service involvement have been alleged. (AFP)

## Policeman jailed

Brisbane — Sir Terence Lewis, the former police commissioner in the Australian state of Queensland, was sentenced to 14 years' jail after he had been convicted on 15 charges of corruption. He was found guilty of accepting bribes totalling nearly \$AUS600,000 (£285,000). (Reuters)

## Minister to go

Warsaw — Leszek Balcerowicz, aged 44, the Polish finance minister and the mastermind of the country's switch to capitalism, said that he would step down after parliamentary elections in October. The minister said that he had taken the decision for family reasons. (Reuters)

## Bonn aids hunt

Bonn — Two German police officers have flown to Turkey to help in the search for ten German tourists abducted last week. The federal criminal office said. Four armed men took the Germans — four women, three men, two girls and a boy — from their campsite by a lake 500 miles east of Ankara. (Reuters)

## Plane speaking

Wellington — John Banks, the New Zealand police minister, was fined \$NZ750 (about £250) after admitting breaching aviation regulations when he used a mobile telephone from an aircraft. Mr Banks was the first person prosecuted under the regulations. He offered his resignation but it was not accepted. (Reuters)

## UN team freed

Peshawar — Pakistani paramilitary forces rescued an abducted New Zealand aid worker unharmed by storming the kidnappers' hideout. Police officers attacked a high-walled compound in North-West Frontier Province to free a United Nations agronomist John Stevens, and three Afghan colleagues. (Reuters)

## Web of secrecy

Sydney — A blind troglodyte spider, long believed to be extinct, has been found alive under the Nullarbor Plains desert in South Australia. A relative of the trap-door spider, it is known as *Troglobius lowryi*, which was forced underground millions of years ago when Australia's climate became arid. (AFP)

## Tamil toll rises

Colombo — More than 6,000 troops continued searching for Tamil guerrillas near Elephant Pass, in northern Sri Lanka, a day after fresh fighting in the area left 45 dead, officials said. A soldier and 44 rebels were killed. (AFP)

## Minor classic gears up for major new lease of life

FROM CHRISTOPHER THOMAS IN ANGULUGAHA, SRI LANKA

AMONG the tea plantations of southwest Sri Lanka, in a factory made of coconut trees, the Morris Minor is being reborn. The car is esteemed in this tropical island. Thousands of them still travel on the pot-holed roads, defying decades of punishment from humidity and salty mists. Some look as though they are held together by faith and rust.

Dhanapala Samarasekera thinks it is the perfect Third World vehicle because it is cheap to run and easy to repair. He has decided to start making them because those left in Sri Lanka are mostly in a sad way. In partnership with Charles

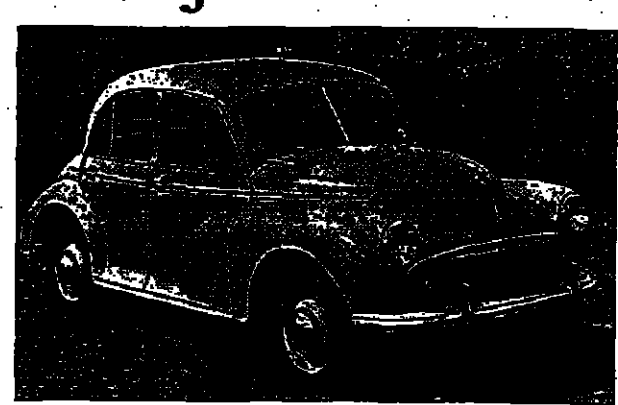
Ware, an Englishman who runs a Morris Minor centre in Bath, he is producing sought-after spare parts and he expects to be turning out entire cars within five years.

Purists might scoff, especially as the engine will probably be Japanese. The car will, however, look like the original, with improved brakes and suspension, which were never the Minor's strong points. A Minor in good condition sells in Sri Lanka for a prohibitive 40,000 rupees (£600), equivalent to a typical annual salary. Yet they are sought after, so great is their reputation for longevity. Many split-screen models, dis-

continued in the early 1950s, are still on the road.

Sitting on the veranda of a bungalow above his tea plantation outside Galle, Mr Samarasekera, a keen environmentalist, said the motive behind the enterprise was not entirely money.

"The idea is to build a car that will last, and not be dumped after four or five years. We have built an eco-friendly factory from trees that had exceeded their useful economic life as coconut producers. The heaviest piece of machinery we have is a hydraulic press. He thinks he might be able to export Morris Minors to India, where the 1958 Mor-



Sri Lanka shape: the Morris Minor is bouncing back. Sri Oxford still lives on in the shape of the Indian-made Ambassador, which is as elegant as a tank and almost as tough. Sri Lankans are marvellous tinkers.

overcome that by building it in two sections and spot-welding it together. There is a worldwide demand for 10,000 front wings a year. There are 100,000 Morris Minors in Britain, 10,000 in the United States and 8,000 in Canada.

The body is being built using the "handcraft talents of master tinkers". It takes two men two days to make a wing. Within four years Mr Samarasekera expects to be employing 1,000 men who will produce all the 800-odd parts that make up a Morris Minor. His factory, now employing 35 workers, was opened in April by David Gladstone, then the British high commissioner, who arrived in his Morris Minor.







In Cowes this week deck shoes are de rigueur on land and sea. Liz Smith charts a footwear phenomenon



No socks please, we're sailors: the herd instinct of the Cowes crowd, here displaying the almost uniform taste in footwear that keeps the men from Sebago and Timberland happy

## Messing about in shoes

What hats are to Ascot and hemlines are to Henley, shoes are to Cowes. The sailing crowd's snobbery about wearing the correct shoes — onshore as well as off — has become a fetish.

The pukka deck shoe is a rawhide ocker constructed like a moccasin out of one piece of leather that has been well impregnated with oil to keep it waterproof. The leather is shaped to wrap under and around the foot, is hand-sewn to a U-shaped upper and laced from around the heel through rust-proof eyelets at the sides. The rubber soles, ridged for grip, are often cut into a complicated maze of interacting wavy channels to keep the wearer as sure-footed as a crab. For the real sailing buff, the shoes must be brown and, preferably, three years old. Like blue jeans, a pair of deck shoes must look thoroughly broken-in. Their status visibly improves with age.

Just to complicate their snob appeal, the shoes, designed specifically for the comfort and safety of crew on a slippery deck, have acquired a cachet for fashionable and lubbers. To men or women in pursuit of an air of leisurely chic moccasin deck shoes, or 'docksiders' as they are universally known, are the smart casual shoes of today. Variations are widely available in two-tone tan or co-ordinating navy and white. Many on the market give up all pretence of being a boat shoe by sporting that abomination to any caring sailor, leather soles.

If the soles of our feet were scored and patterned like a car tyre, there would be no need for deck shoes. As it is, Sperry, Sebago, Timberland and every other manufacturer who competes for custom among the *haut monde* of sailing folk are busy developing scuppered (diagonally ridged) soles whose ridges expand and contract with every flex of the foot. Sperry's Top-siders have long been recognised as the authentic deck shoes. But it was Sebago (one of Sperry's top rivals in the market today) which created the Top-sider in the 1940s and originally manufactured it for Uniroyal in Portland, Maine. Sebago's own-label deck shoe, Docksides, came on the market in 1969. Today Sebago can offer seven different grid patterns on soles. The cost of a pair of Sebago Docksides (Russell & Bromley sells them, as well as specialist chandlers) is £69.95 for men's, £65 for women's. Navigair, the Sebago UK agent based on the Hamble, is used to having vintage pairs of Sebago deck shoes arriving back for resoling.

Timberland, the New England bootmakers established by Herman and Nathan Swartz in 1972, pro-

duced its first hand-sewn boat shoes in "oiled-off buck" (oil-impregnated) in 1979, but has sailed ahead in the market, pioneering the razor-cut sole that claims to give 50 per cent more grip than the simple wavy channels, arrives on the British market next year.

Few will fail to notice Timberland's high profile at Cowes this week, with its name not just emblazoned over the shop in a shed on the Ancaster marina, but stamped on the

feet of both the Ultimate 30 and Admiral's Cup British yacht teams.

Part of the pleasure of Cowes for Terry Walker of Timberland is counting the number of Timberland deck shoes seen hanging over the sides of a boat, or running up the mast. But he acknowledges that out of every ten pairs of Timberland deck shoes sold, seven will never go near a boat.

"There is definitely a snob value to the Timberland shoe that has

nothing to do with boats. They are designed to feel like an extension of your foot. No packets of sticking plaster need be supplied to the wearer," he says.

Manufactured now in Puerto Rico as well as in Bangor, Maine, Timberland shoes are built for comfort, with an internal cushion that cradles the foot in the correct position and steadies it in action. Leather is "through-dyed", which means that the colour is added to the hide when it is tanned, rather than applied later, so that colour is not shed when scuffed. The oiled leather dries quickly when holed down and does not get crusty with salt water. The eyelets do not rust in salt water and the lacing extends around the heel and can be adjusted and tightened as the moccasin loosens up with years of wear.

No socks are worn with deck shoes by serious sailors. For others, socksless is smart — the Prince of Wales was photographed some summers ago at Highgrove wearing docksiders with no socks. But deck shoes are now such an everyday style that socks are an acceptable option.

Plimsolls, those light rubber-soled canvas shoes similar to gym shoes, have limited use for the serious sailor. "They may be OK on deck, but don't ever compete against the sea wearing them," Mr Walker says. Trainers also lack the correct "grip system" to work.

Dunlop makes plimsolls with a special deck-gripping sole (in navy or white canvas, £8.95 for slip-ons, £12.95 for lace-ups), as well as its own version of docksiders. Called Perth, they come in tan, navy or white leather with a rubber sole, and cost £19.99 for sizes 3-5 and £22.99 for sizes 6-12.

Capt O.M. Watts, the chandlers in Albemarle Street, W1 (with branches in St Albans, Hertfordshire; Selcombe, Devon; Poynton, outside Manchester; and Dun Laoghaire, near Dublin) sells lace-up white buckskin boat shoes (£69.95) but supplies serious sailors with the more traditional Sebago Docksides.

Gieves & Hawkes, the naval and military outfitters now in Savile Row, which kitted out Nelson in its former establishment in Piccadilly, sells the ultimate deck boat shoe, a lace-up Oxford style in white buckskin that costs £115. It is the traditional naval officer's tropical kit, worn with knee-length socks and crisply pressed shorts, and cleaned with chalk dust wrapped in a muslin bag and dabbed on. But with their leather soles, these are deck shoes that have nothing to do with boats, and should be seen only on battleships.



Feet of endurance: wearing (from left) Sebago Docksides, Dunlop plimsolls and Timberland deck shoes

### ANATOMY OF A DECK SHOE



Functional all-round lacing system for adjustable fit

Moccasin construction around foot

Rust-proof eyelets

Hard-wearing ridged rubber outer sole for grip

Self-oiling rawhide laces

Well hand-stitched with double knot in non-stretch nylon thread

Oil-impregnated salt water-resistant leather

## Two views of the perfect Gunners grandstand

Highbury, in north London, is a typical British football ground. The home of Arsenal is so tightly hemmed in by terraced housing that it is quite possible to be unaware of it right up until the moment you turn a corner and walk into the broad shadow of a grandstand. Yet the ground is large in modern terms, with a capacity of 44,000 — a capacity that was reached several times last season, when the club won the league championship.

Now, like many other British clubs, Arsenal is having to address the Taylor Report's recommendations. Following the Hillsborough disaster of 1989, the most important of these is, of course, that all spectators at major football grounds should be provided with seats by 1994. Seats take up space, so it is clear that if they are to replace terraced

### Dismayed at plans for 'a tin shed' at Arsenal's ground, Highbury residents have produced their own design

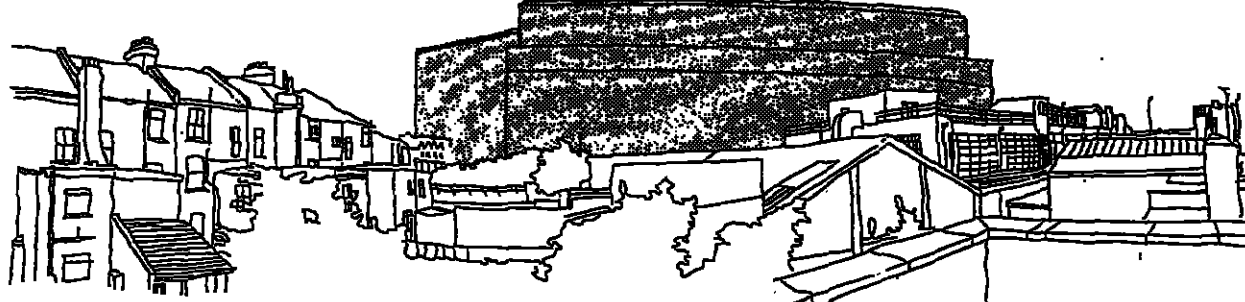
standing areas, then grounds such as Highbury need to expand to retain anything like their existing capacities. But Highbury's dense urban setting restricts outward growth, leaving only one direction available — upwards. So Arsenal recently submitted for detailed planning consent a scheme for a new, 95ft high grandstand to replace the old north bank terracing. The architect's brief was com-

plicated by the club's perception that the design should complement its admired east and west stands of 1932 and 1936, designed by Claude Waterlow-Ferrier.

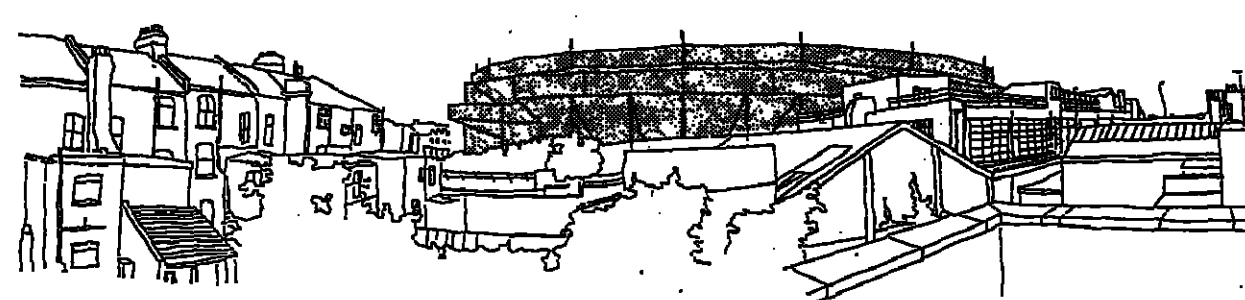
The new design, by the architect Richard Marshall, is a two-tier, cantilevered steel structure that steps down at either end where it meets the east and west stands. On the outside it is clad mainly in profiled metal, and attempts to pick up, in a series of brick piers and metal panels, the regular rhythm established by the window bays of the main east stand.

There are those who are not convinced. "We are being offered a huge tin shed," says Reg McKeown, the chairman of the Group for the Alternative Arsenal Stand (GAAS). The group, formed after Arsenal's proposal was put on show a few months ago in a local community centre, claims to have the support of local residents.

GAAS is not just an annoying acronym. The group is led by Charles Sands, a local architect, and by John Thornton of Ove Arup engineers — who was the structural engineer for the innovative Mound Stand at Lord's and the World Cup football sta-



The official design, by Richard Marshall, for the new grandstand at Highbury: opponents call it a "huge tin shed"



The lower design, put forward by GAAS: but Mr Marshall says this plan does not take account of the 1930s idiom

dium at Bari in Italy — and it has a genuine alternative proposal which was submitted recently for outline planning consent.

Like the official proposal, the alternative is two-tiered and cantilevered. There the resemblance ends. Like Bari, the alternative stand is all exposed structure, presenting an outward appearance of concrete decking and ribs and steel columns, instead of a facade. Like Bari, too, it is elliptical and of constant

height, in contrast to the straight back and stepped, angled corners of the official proposal. The main point, GAAS says, is that the alternative stand is 20ft, or two storeys, lower than the official one. Mr Marshall, of course, disagrees with this figure, claiming in return that his stand is lower where it matters — at the ends, the parts nearest to houses and gardens. But there is more to this dispute than mere height, important though that clearly is for local residents. Arsenal's

clash of the stands is a matter of ideology, of the image that a club such as Arsenal should be projecting. "At the meeting to present the Arsenal proposal, I asked the architect if he had considered the Mound Stand," Mr Sands says. "I was dismissed as a purist. I thought that was quite a nice compliment."

Mr Marshall counters: "The 1930s idiom is what the club wants. I find it difficult to imagine a Bari-style stadium in a terraced housing context. Arsenal don't need to make

an architectural statement." The consequences of not making an architectural statement are available for all to see at the south end of the ground. Mr Marshall was responsible for the initial design of the recently redeveloped clock end complex of executive boxes, sports hall, and entertainment facilities. From the outside, its main feature is that crinkly tin cladding, often highly coloured, which is peculiar to football grounds and DIY superstores. It is an economi-

cal material, Mr Marshall points out. And yes, there will be "some elements" of crinkly tin in the new north stand.

There is nothing wrong with Arsenal's idea of building in the 1930s tradition established by its east and west stands. But those stands are of brick, covered above a certain level with render, and have a solidity of appearance that no crinkly tin ever achieved. The alternative proposal shows scant respect for the east and west stands, crashing in some metres above them at either end. At least, though, it does not depend for its architectural quality on its choice of cladding. And it could always be argued, of course, that the clock end complex has already fatally compromised the 1930s idiom.

The official proposal goes before the planning committee on September 23. In the meantime GAAS will be lobbying hard. The most unusual aspect of this whole dispute is that, for once, the people seem to be on the side of the modernists, not the traditionalists. "As far as we're concerned those two stands were built 60 years ago," says Henry Thompson, a local resident and GAAS member. "I certainly don't think that a tin shed fits in with them."

CALLUM MURRAY  
© Times Newspapers Ltd 1991

## In the driving seat at the drawingboard

Why has a Briton been chosen to design a new generation of Volvos?

V olvo executives would have been expected to tawny the chic studios of Turin or the high-technology offices of Stuttgart to find the man who could design a new generation of cars carrying one of the most distinctive badges in the world.

Their search for a new head of design, however, came to an end in the leafy lanes of Warwickshire. Yesterday Peter Horbury was at home in Kenilworth, packing his belongings for the move to Stockholm next month to start one of the most prized jobs in the European motor industry.

The Swedes might have felt protective about handing over the future of Volvo designs to a 41-year-old Englishman. After all, Volvos have one of the strongest brand images of any product in the world. But Mr Horbury belongs to a generation of British car designers who lead some of Europe's top studios.

If the British car industry has, in the past, been unable to assemble cars with the same quality as its rivals in Japan and on the Continent, there has been no doubting the abilities of its designers and engineers. The export of talent has been prodigious.

The classic Audi quattro was designed by Martin Smith, an Englishman who is now the chief designer at Audi. Porsche's studio chief is from Britain and Mazda, Japan's fourth biggest car maker, is employing a team of Britons. Arnold Oste, aged 42, joined Mazda as a studio manager, based in Frankfurt, after 15 years with Porsche. Mazda's chief designer is another Briton, Peter Birtwhistle, aged 40, previously with Audi.

The list is long and impressive, with British names popping up behind models from Renault, Isuzu, Ford and many others. As the latest in the line, Mr Horbury has no doubts that Britain has become the world's most intensive breeding ground for new design talent, particularly for the car industry.

The effort by British manufacturers to ensure a flow of talent into their studios, by collaborating with colleges such as the Royal College of Art (RCA) and Coventry polytechnic, has made British designers attractive to foreign car makers.

The colleges have close ties with the manufacturers and the industrial training on offer here is among the best in the world," Mr Horbury says. "It can be no coincidence that the effort which has been put into this training has resulted in a generation of designers who are now leading studios all over the world."

British designers have one other important quality that helps to explain why they populate almost every studio: a sense of adventure. "De-

signers in other countries tend not to move around," Mr Horbury says. "But there are Brits everywhere. The last time I was at Porsche, there must have been 50 designers and engineers from this country working there."

Mr Horbury's sense of adventure has taken him through a series of companies in several nations. After graduating from the RCA 17 years ago, his first assignment was on the Horizon model for Chrysler, then in Coventry. He left there to go to Ford, where he was part of the design team for the Escort and Sierra ranges. He later worked for Volvo as a freelance, designing the interior layout of the 480 sports car and helping with production in The Netherlands of the 400-series small car.

He leaves MGA, a small



Peter Horbury: bound for Stockholm

design company he helped to set up in Coventry that works extensively for car makers, to take over responsibility for three Volvo studios in Sweden, The Netherlands and California.

At Volvo, he will oversee teams of designers and engineers whose job is not just to make sure the cars of today perform well but to second-guess potential legislation on exhaust emissions, engine sizes or crash regulations, factors which determine the fundamental shape of a car.

With Volvo that could be a difficult assignment. The company has deviated little from its traditional, square looks which signify the virtues of safety and reliability.

Could the Englishman dilute the Swedish solidity so beloved by Britain's motoring middle classes? Mr Horbury, they will be delighted to learn, is not planning any big changes. "One thing I have learnt is that you cannot throw away the good things just for the sake of change," he says. "You have to keep the good things and introduce evolution. That is what I intend to do at Volvo."

KEVIN EASON



ART HERITAGE

# Pass the hat on everybody's behalf

The National Art Collections Fund is exhibiting some of the works it has helped to save for the British public. Joseph Williams looks at a charity too little known

If one wanted a ponderous name for a bureaucratic quango, the National Art Collections Fund might fit the bill. Indeed, many people think it is a quango. In fact, the NACF is an art charity which buys or contributes towards works of art kept strictly for public enjoyment. Over the century, it has helped buy 10,000 works for the nation; giving £2 million annually to museums, and spending not a penny of public money.

The NACF started at the turn of the century, when a group of philanthropists became alarmed at the number of paintings bought up by wealthy Americans. The charity struck gold when it saved Velázquez's *The Rokeby Venus* from going abroad in 1905.

Considering its remarkable achievements, the charity keeps an unusually low profile: it is only fitting then that it should become accessible to the public. On Thursday, the NACF is mounting its largest-ever exhibition with a show at the National Gallery of Scotland which, for the first time, brings together a selection of all the works saved for Scotland with the help of the NACF. Among the prizes are El Greco's *Agony in the Garden*, Blake's *The Raising of Lazarus*, sculpture by Bernini and drawings by Raphael, Gainsborough and Poussin.

The variety of the 150 works on view is breathtaking. Here is Leonardo da Vinci's *Studies of a Dog or Wolf*, drawn with an anatomist's attention to hair and claw. There is power in the Bernini bust of the Archbishop of Pisa, and, in contrast, tenderness in the Virgin's look in Verrocchio's *The Rokeby Madonna*.

Money raised by the NACF flows from bequests, donations and subscriptions from its 30,000 members. But, in its eagerness to secure works of art for public appreciation, can it in the same breath espouse the principles of free trade and open competition which guide the art market? Is it not encroaching on the rights of an owner by arguing that museums should always have priority?



*The Rokeby Venus*, by Velázquez, was bought with the help of the National Art Collections Fund (in 1905) and is now in the National Gallery in London

Should museums be allowed to obtain any painting they choose, on the grounds that the work is part of our heritage? After all, much of what we call Britain's heritage is also part of Italian, Dutch or French heritage.

"Of course we're not against private collectors," argues Sir Peter Wakefield, the NACF's director. "On the contrary, we want museums to compete on the open market. But how can they, when their purchase grants have been frozen for seven years? The cost of art has rocketed in that time."

The government's annual purchase grant to the National Gallery is £2.75 million, while the Fitzwilliam Museum in Cambridge, for example, has to make shift with £2,300. "There's little you can afford with these sums," says Wakefield. "A dealer or an auction house ends up selling to a foreign buyer, and museums lose an important work of art."

Take the Holkham drawings: 66 Old Master drawings from Holkham Hall, Norfolk, were auctioned earlier this year at Christie's, with a total sale value of £3.26 million. A museum consortium, including the British Museum and the National Gallery of Scotland, stumped up only £1.65 million; the works went to anonymous collectors.

So is the answer simply to give a fillip to the purchase grants? How much does the government have to give? And is it not fair that paintings should be traded internationally?

Jack Baer of Hazlitt, Gooden and Fox, a leading Old Master dealer who buys on behalf of museums, insists that successive governments have not valued art sufficiently. "They don't invest in art, which is a narrow-minded attitude because paintings have constantly inflated in value. What you could have bought for £1

million ten years ago costs £10 million today. Investing is sensible policy: the French can find the money, so why can't we?"

Yet if a painting is going from one private collection in Britain to another in America, it is hardly a loss to our heritage when the public may have had no access to the artwork in the first place. Furthermore, deciding what constitutes heritage is problematic. Some cases are clear cut: Constable's *The Lock*, for instance, which was bought at Sotheby's last year by the Swiss collector Baron Thyssen for a record £10.78 million. Or the Middleham Jewel, a superb 15th century Gothic pendant, valued at £2.5 million, which may well get an export licence to leave our shores. This treasure was literally dug out of the Yorkshire Dales. Other cases are less simple. "It isn't obvious,"

says Giles Waterfield, director of Dulwich Picture Gallery, "that a picture remaining in Britain for 100 years is necessarily part of the heritage."

The NACF claims that many fine works of art are simply beyond the price range of museums. Two years ago, the Prince of Liechtenstein bought Van Dyck's *Duke of Hamilton*, now valued at £2.5 million by the Export Reviewing Committee, which advises the arts minister on heritage. Then there was the extremely rare 14th century altarpiece from Capesbourne Hall, Cheshire, sold at Christie's in order to carry out essential maintenance in the Hall.

The decision to grant an export licence on the altarpiece has been deferred until October, but the sum that must be raised to prevent export is £2 million. Yet why should the government intervene when the heritage of the altar piece is not clear? It bears the hand of

Taddeo Gaddi, Giotto's disciple, and is thought to be missing from the Santa Croce church in Florence; that points to Italian, not English heritage.

The NACF maintains that the Export Reviewing Committee cannot do its job properly because museums are no longer able to pull their weight. Under export law, a museum has priority over a foreign collector, provided it can match the price set by the reviewing committee. In the last five years, out of 113 items exported, stopped on grounds of national heritage, as many as half eventually went abroad. So often, public institutions did not have sufficient sums to retain the items. If museums cannot even afford the objects, argues the NACF, there is no point bothering with export controls, as the items will inevitably be whisked away by foreign collectors.

According to a spokesperson at

### ARTWORKS LOST TO THE NATION

Names of the artists and titles, followed by the year in which they were sold and the purchaser

Bellini and Titian: *The Feast of the Gods*, 1920. National Gallery of Art, Washington D.C.  
Gainsborough: *The Blue Boy*, 1921. Huntington Gallery, California  
Holbein: *King Henry VIII*, 1934. Thyssen Collection  
Jan van Eyck: *Three Maries at the Tomb*, 1939. Rotterdam Museum  
Poussin: *The Madonna of the Steps*, 1948. NGA, Washington  
David: *Napoleon in his Study*, 1951. NGA, Washington  
Velázquez: *Juan de Perceja*, 1970. Metropolitan Museum of Art, New York  
Badminton Cabinet, 1991. Private collector, USA

### ... AND SAVED

With the years in which they were bought and their present location

Velázquez: *The Rokeby Venus*, 1905. National Gallery  
Monet: *Poplars on the River*, 1926. Tate Gallery  
Gainsborough: *Mr & Mrs Robert Andrews*, 1960. National Gallery  
Leonardo da Vinci: *The Virgin and Child Cartoon*, 1962. National Gallery  
George Stubbs: *Chester & Stag*, 1970. Manchester City Art Gallery  
Vincent van Gogh: *Portrait of Alexander Reid*, 1974. Glasgow City Art Gallery  
Poussin: *Triumph of Pan*, 1984. National Gallery  
Rembrandt: *La Place Chichey*, 1986. Fitzwilliam Museum

the Office of Arts and Libraries, the British patrimony is not getting a raw deal. The government "has quadrupled the grant to the National Heritage Memorial Fund, from £3 million to £12 million, and its priorities are repair, conservation, and the maintenance of existing collections."

Meanwhile, the NACF quietly goes about its work. Rather a shy animal, it hits the headlines occasionally with big stories such as the Badminton Cabinet and then slips away to the regions, sifting through 20 applications a month to see if it can add any top-up grants. Almost without our realising it, the charity itself has become part of our heritage.

Saved for Scotland. National Gallery of Scotland, The Mound, Edinburgh (031 556 8921). Mon-Sat 10am-5pm (until 6pm during Edinburgh Festival). Sun 2-5pm (11am-6pm during festival). Until September 29.

DANCE

## A question of unsure principals?

Some of English National Ballet's fans still think that the silliest thing the company ever did was to change its name two years ago from the more distinctive title of London Festival Ballet. Others believe that the renaming was eclipsed by the sudden departure of the company's previous director, Peter Schaufuss, who left in January 1990 after revitalising ENB's fortunes. The final verdict on those developments can be left to the history books. What matters now is how well the company is doing under its new artistic director, Ivan Nagy.

One merit of the company's new title is that it indicated that those who chose it had a clear idea of what they wanted the English National Ballet's function and position to be. Two years on, the impression is of a company less sure of itself. It was never exclusively English in personnel or repertoire, and is now less so than ever. Neither does it offer, except intermittently, the standards expected of a national company. The repertoire has become something of a ragbag, made up of oddments from stock varied by bought-in leftovers from various companies in North and South America. Every company nowadays has to operate with one eye on its budget; danger comes when budgetary considerations seem to determine decisions.

ENB's choices are unashamedly populist, and there is no harm in that. In fact, they fit in well with Festival Ballet's earliest and best traditions. When Anton Dolin, Alicia Markova and impresario Julian Braunschweig founded Festival Ballet in 1950, they knew exactly what they wanted: a company headed by stars, presenting frequent guests from abroad, with a repertoire of popular classics and a few new works.

Of the half dozen directors who succeeded Dolin, two — Beryl Grey and Schaufuss — confidently and successfully pursued much the same path as his, although with the judicious addition of new trends. It is no coincidence that the company thrived most under their leaderships.

What Dolin, Grey and

Britain's second largest company has hit a lame patch, one year after Ivan Nagy joined its ranks, says John Percival



Schaufuss prodigy: Trinidad Sevilano, with Patrick Armand

Schaufuss all tried to offer their public was a clear alternative to the Royal Ballet more popular in its programming, more international in its casting and repertoire. On paper, Nagy's intentions are the same; it is the balance that has changed. The trend away from British star dancers to a kind of foreign legion began under Schaufuss, but at least he set up a school to provide new British recruits. So it is alarming that Nagy this year has been able to offer contracts to only two of his graduates, in spite of a very high standard.

Nagy's predecessors staged works by Ashton, Béalart, Bournonville, Bruce, Jack Carter, Fokine, Harald Lander, Massine, Nureyev, Petit and Tetley among others, and

hit when he first staged it for the National Ballet of Canada) and a *Nutcracker* by Ben Stevenson. Revivals will include Stevenson's *Cinderella* and — more gratifyingly — Ashton's *Romeo and Juliet* in the summer 1992, to be followed in the spring of 1993 by the Nureyev production.

Nobody could complain at some of Nagy's choices. *Les Sylphides* for instance, part of the company's Festival Hall season this week, is a commendable and popular work that has been neglected lately. But some of the other works to be shown in this week's programmes might look old-fashioned.

Besides, programming involves more than just the selection of works to perform: the way they are combined is equally important. A frequent complaint when ENB was at the Coliseum last month — where the house was only half full — was that the mixed programmes lacked both balance and excitement.

Altho this would matter less if the dancing were uniformly good. But the company was weakened at soloist and principal level by the decision of many dancers to follow Schaufuss to Berlin last summer. Some of the replacements Nagy has found are excellent, but nobody yet has welded them into a cohesive team.

Nor do they generate the excitement and public interest that Grey achieved in her collaborations with Nureyev and Schaufuss produced with his impressive team of male dancers and his teenaged "baby ballerinas": Katherine Healy (whom Ashton chose as his Juliet) and Trinidad Sevilano.

To see a company go so quickly from a peak to a trough is depressing. What is even more worrying is whether ENB can pull out of that trough before encountering another of the financial crises which have threatened its existence several times over the past four decades.

RECORDS: OPERA

## Digging around in Italian roots

For these two new releases, some of the background is provided by David Kimbell's coruscating new study *Italian Opera*, which offers, among a forest of stimulating remarks and scholarly data on works from Monteverdi to Puccini, persuasive ideas about why Italian culture and the Italian language should have provided sung drama with its principal home for three centuries.

For the first two of those centuries there was little opera that was not Italian. Even in France, the only country to develop an independent tradition during that long period, the prime mover was a native Italian, Lully, and the example had been shown by Italian works imported in the 1640s by Cardinal Mazarin, among them Luigi Rossi's *Orfeo*. Elsewhere Italian opera ruled, as in Vienna, or in London, where *Amadigi di Gaula* was one of the first works Handel presented.

Being a contribution to the Cambridge University Press series "National Traditions of Opera", Kimbell's book largely excludes the foreign sorts: otherwise it would be unable to convey the Italian social context so richly and well. One will, therefore, find plentiful illumination here on *L'incoronazione di Poppea*, on Jommelli's serious dramas and Paisiello's comedies, on

Norma and on *Turandot*, but not directly on Rossi's *Orfeo* or Handel's *Amadigi*. On the other hand, though, what Kimbell has to say about Italian phonetics or about the Baroque theatre has implications for Italian opera beyond Italy.

Rossi's *Orfeo* came just 40 years after Monteverdi's, and only a few years after the senior composer's last works, which it slightly resembles in its infusion of comic characters. This is, however, a more fully decorated world, tricked out with numerous short arias, which the libretto rather charmingly feels the need to justify. Like people in a musical, the characters are constantly announcing the need for a song.

This is also a world of debased divinities, where a scheming Venus, in particular, is central to the action right through, and all the gods are given pretty mundane motivations.

Indeed, so much manipulation is going on that the central tragedy is blurred. Aristeus comes through as the most vital character, his lament at Eurydice's demise more shocked and violent than Orpheus's, and followed by an extraordinary scene in which Eurydice's spirit sends him mad: here the work becomes much more than a sycophantic court spectacle.

The three central roles of Orpheus, Eurydice and Aristeus are all so richly textured that they find a trio of light but rich-toned, pliant and affecting voices, with Sandrine Piau outstanding as Aristeus. There is also nice work from the tenor Jean-Paul Fouchécourt in the part of Venus disguised as an old woman. Rossi uses his orchestra sparingly, but Christie draws on a wide range of continuo col-

ours (lutes, bowed strings, harps, keyboards) in support of the voices that are so effortlessly paramount.

As Kimbell points out, there were good reasons why the Orpheus story should have appealed so much to early opera composers: it dealt with the power of music, and it could accommodate the pastoral motif essential to Renaissance Classicism. Handel's *Amadigi*, on the other hand, goes rather against the trend of its time in using magic to push the characters through hoops of emotional surprise: the sorceress Melissa puts all kinds of obstacles between Amadigi and his beloved Oriana, though one of her stratagems rather unfairly results in the death of Dardanus.

These four are the only characters until the arrival of Oriana's uncle for the finale, and all are soprano or contralto roles. Nathalie Stutzmann is superb in the title part (written for an alto castrato), with a voice of force and richness that manages to be gentle and indelibly seductive. There are excellent performances too from Jennifer Smith as Oriana and Eiddwen Harri as Melissa, with supple and fine orchestral accompaniment, altogether placing this high in the current spate of Handel opera recordings.

PAUL GRIFFITHS

BRIEFING

## Alda way with Alan

BEST known as the star of the television series *M\*A\*S\*H*, Alan Alda is taking to the stage with a vengeance. First comes his British stage debut in Thornton Wilder's *Our Town*, which opens at the Shaftesbury Theatre on September 5. Then comes a planned return to Broadway next season in Neil Simon's latest play, *Jake's Women*. Simon shut the play down during its California tryout last year, but has rewritten it, and Alda in the lead, is prepared to give it a second chance.

## Loneliness is just one problem

And it is a fairly common problem for seafarers away from home for months at a time. But it is only one of the troubles that people bring to us. As a Christian society working among seafarers we are asked for all kinds of help—spiritual, emotional, social and practical. And we are there, ready to give all the help we can, in all parts of the world. To give this help we depend entirely upon voluntary contributions. Please help us to continue the Anglican Church's ministry to seafarers by a legacy, or please send whatever you can to

The Missions to Seamen,  
Freepost, London, EC4B 4EP.

### The Missions to Seamen

St. Michael Paternoster Royal,  
College Hill, London EC4R 2RL.

SCOTLAND'S oldest commercial art gallery, the Scottish Gallery (formerly Aitken Dott), has fallen victim to the

recession. Its creditors have been asked to accept 20 per cent of what they are owed to allow the gallery to "trade out" of its present financial crisis. The managing director, Guy Peplow (grandson of the famous Scottish Colourist S.J. Peplow), blames expansion into London's Cork Street last year, which resulted in losses of half a million pounds. If the gallery survives, it will celebrate its 150th anniversary next year.

THE ladies of the company in *Tango Argentino* wrap their long, black-stockinged legs around their dinner-jacketed partners. The show, with an on-stage band, consists mainly of duets, to the familiar rhythms of what may be the most notorious of all dance forms. Its London run at the Aldwych Theatre (071-836 6404) ends on Sunday.

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## Low-brow superstar

Walter Ellis ponders the impact of pools cash on the arts

Tim Rice made his name a long time ago and has been largely living off it since. His surprise appointment as chairman of the newly-created Foundation for Sport and the Arts, with an annual budget of £60 million, appears to owe everything to the fact that he enjoys cricket and once wrote musicals with Andrew Lloyd Webber and nothing to his (little known) interest in sport and the arts.

That said, he may well prove a success. He is affable and experienced. He has known both triumph and disaster on the stage, and as president of the Lord's Taverners is halfway through a campaign to raise £250,000 to celebrate the charity's 40th anniversary. He is also, as even his critics admit, used to handling large sums of money.

Moreover, he will have at his side Sir Richard Attenborough, the film director. Dame Janet Baker, the soprano, Sir Christopher Chataway, a former Olympic runner and now a banker, Richard Eyre, director of the National Theatre, and Sir Clive Lloyd, one of the West Indies' most illustrious batsmen. So he will not lack advice.

The task of the foundation — funded by the pools promoters to forestall a possible national lottery — is to provide £40 million a year to sport and £20 million to the arts, making it potentially one of the most generous sponsors in both areas, after the arts and sports councils. Sue Rose, speaking for the Arts Council, which distributes a grant of £193 million, said yesterday the extra cash was welcome, but felt it might best be spent on building and refurbishment of venues, rather than on performance. Tim Rice, she added, is a man of the theatre, and musicals are "part of the arts and entertainment mix". An Arts Council member was equally tolerant. "When you consider that we have Brian Rix heading our drama committee and P.D. James in charge of literature, we're hardly in a position to carp."

Most arts sponsorship goes to the so-called high arts: opera, ballet and classical music. Mr Rice and his colleagues will have to decide whether to support this bias or to provide an alternative focus. Should the lyricist of *Joseph and the Amazing Technicolor Dreamcoat* give £1 million to Covent Garden for, say, *Fidelio*, or will he let *Fame* go to his head and pour money into a new London school for the performing arts? Will he become a first-nighter at the RSC and a Glyndebourne boulevardier? Ought he to be co-opted on to the next Booker Prize panel? These would normally be serious questions. In Mr Rice's case, one feels one already knows the answers. To be sure, we must wait until he appears on *Wogan* again or unburdens himself to Muriel Gray.

On the sports front, Mr Rice, aged 46, is an almost fanatical cricket buff. He loves the game but plays with only modest ability. "I suspect," he confessed last year, "that the enormous amount of practice I get is improving my skills at the same rate that the ageing process is destroying them." What he knows of other sports — boxing, swimming, basketball and so on — was probably picked up at Lancing and has been little developed since.

Mr Rice is not a man to cause consternation in the arts, where he may hope to carve a modest niche for himself as the punter's representative among the great and good. He may even be a man who knows what he likes. As a measure of his taste, he recently wrote to *The Sunday Times* criticising Melvyn Bragg for preferring Dame Kiri Te Kanawa to Tom Jones as a subject for television. Bragg, he said, was being "appallingly snobbish". Another highbrow outed.

As Gorbachev tries to bind the Soviet Union together, Mary Dejevsky detects explosive forces within

## New union or new split?

plus one. By the turn of last year, the possibility of total disintegration was so great that agreement with the nine, however haphazard, was hailed as success.

Much has also been made of the numbers. Six republics may not be joining the new union, but they account for less than 10 per cent of the Soviet Union's total population, and even less of its total area. Even if all six do stay out of the union, the detriment to its size, culture and prestige, it is said, will be minimal.

One glance at the composition of the new Soviet Union, however, should show that while the numbers argument is true, those about culture and prestige are not. Anyone from Russia who visits the three Baltic states senses immediately that they belong not to Russia but to Central Europe. Unlike much of Russia, they have been named. Georgia and Armenia have two of the most ancient and self-contained cultures in the present Soviet Union. And all five republics have large diasporas which linked them with the outside world through the years

before glasnost, and will now provide influence and money. Moldova, too, looks westward to Romania, not eastwards to the Kremlin.

In terms of culture and prestige, these republics will be a bitter loss to the new Soviet Union, which Mr Gorbachev wants to drive towards Western ways and values. A union which has not been able to convince these nations that they should join must question its own foundations.

Even if Armenia and Moldova eventually decide to join the new union, the loss will be great. Without its westernmost and most Western republics, the Soviet Union looks Asiatic. Of the nine republics that signed the draft union treaty, five are Central Asian: Uzbekistan, Kazakhstan, Kirghizia, Tajikistan and Turkmenistan. Of the first three republics to sign the final version,

two will be Central Asian, while the third is Russia.

Of all the Central Asian republics, only Kazakhstan made any claim to amend the terms of the treaty in its favour during the negotiation.

The others accepted it in principle as soon as the concept was announced. At present, the Central Asian states are followers not leaders. Their material contribution to the new structure — their cotton, their coal, their grain and their manpower — is what the union needs.

Applying the numbers argument, the Slavs can still rest peacefully. Even with the six republics gone, they are still by far the dominant ethnic group. The non-Slav republics will account for barely 20 per cent of the population of the new union.

As with the loss of the six republics, however, numbers are not everything. Cultural ascendancy and national morale are just as telling. There is a mood at the centre of the Soviet Union of an empire in decline. The process may be slow or fast, but it feels inexorable. The union has little will to stay together, and the Slavs are divided among themselves: Ukrainians and Belorussians separately oppose the Russians, whom they hold accountable for their misfortune.

By contrast, in the Asian republics there is a mood of hope and confidence. The empire was lost, after all, not by the republics of Central Asia, but by the Slavs who ruled them. Even before the structure of the new union's central administration has been decided, one can predict that the Asians will have more say in future. Their voices will be louder at the centre, where their representation in a new upper chamber of parliament will increase by comparison with the other republics. They will also be louder in the republics themselves, because of the greater autonomy they will enjoy under the new treaty.

These voices will be more heeded because they speak for not one but five republics. Just over a year ago, Central Asian leaders met in Tashkent to discuss cooperation between themselves, a fledgling league of Turkic states. Since then, meetings have been held more or less regularly. Central Asian officials have travelled to their non-Soviet neighbours, Turkish and other officials have returned the compliment. And a leader stands waiting.

Canny and careful, Nursultan Nazarbayev — the republic and Communist party leader of Kazakhstan — is urging on the new Union Treaty as fast as he can. Last spring he and Boris Yeltsin threatened to found a new union without the centre if Mr Gorbachev would not agree terms. Two months ago, he threatened to bring all 15 republics together to negotiate an economic agreement if the Union Treaty stalled.

More confident, more independent and more numerous than before, the constituents of a future Turkic state can bide their time. They need not take on the Slavs quite yet, but a split between the Slavs and the infidels is only a few years away. The cracking can already be heard and the fissures are starting to open.

## Gallantry in peril on the sea

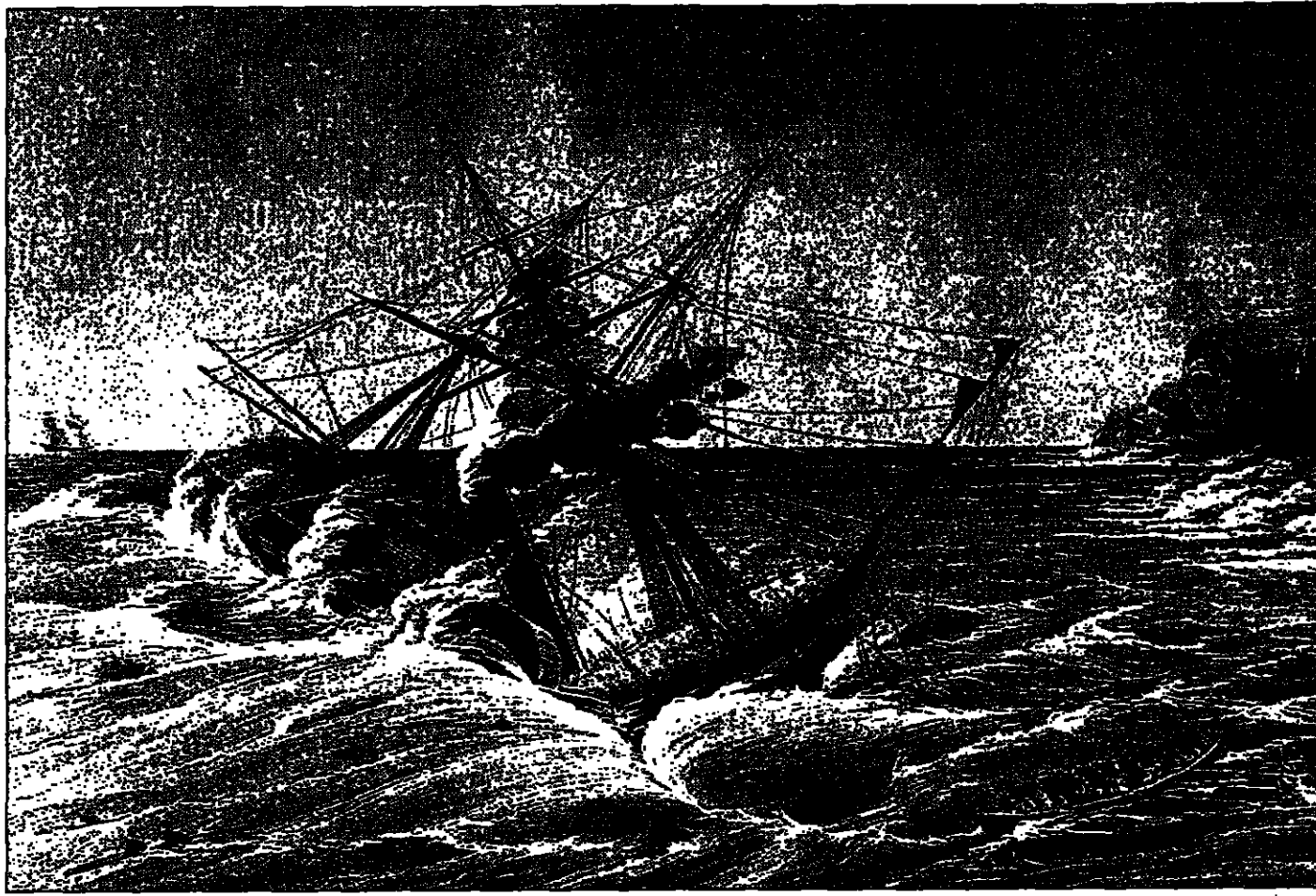
Is it always the case that women and children come first when a ship sinks, asks Pieter van der Merwe

The Greek captain of the liner *Oceanos*, which sank off the east coast of South Africa on Sunday, says he left his ship before all the passengers were rescued because he had a wife and children to consider. While his statement gives the convention of "women and children first" an original twist, it is worth remembering that this is a legacy of Victorian morality and has no basis in law. Indeed there are many instances of women sacrificing their lives at sea in order to save their children.

This "accepted practice" began in 1852, ironically enough in South African waters. On February 26 of that year, the British troopship *Birkenhead*, on a short passage from Simonstown to Cape Town, struck a rock and sank in shark-infested waters. It was carrying 487 officers and men of the 74th Highlanders and some other regiments, of whom 454 died. Thirteen women and children, mostly of the crew, went into the boats.

The incident became legendary because the troops, knowing that they could not be saved, went to their deaths with calm, iron discipline. When reported in Britain, the event had astonishing impact. "We defy the whole history of our race to produce a more striking instance of bravery and coolness," wrote *The Morning Herald*, and in 1893 Kipling immortalised in verse the phrase "the *Birkenhead* drill" for such disciplined sacrifice.

In 1912, when the Titanic



Past priorities: when H.M.S. *Birkenhead* sank in 1852, all 13 women and children were saved, though nearly 500 men died

defied her reputation for unsinkability in the icy waters off Newfoundland, a civilian version of the *Birkenhead* drill was followed. Women and children were separated from their husbands, some forcibly, and put first into the boats. There were nonetheless 106 women and 52 children among the 1,589 casualties, mostly from among the emigrant or third class passengers trapped lower in the ship.

The Titanic disaster remains the biggest single loss of life from a British passenger vessel, and the leading instance of the "women and children first" doctrine.

The *Birkenhead* and the Titanic disasters have some common features. They occurred at a time when British public morality expected a great deal, including a certain imperial noblesse oblige, and they were extremely well recorded, investigated and reported. But the behaviour of those involved, certainly in the *Birkenhead*'s case, was the exception rather than the rule at a time when ships simply did not carry enough boats to save everyone on board. Indeed, the Titanic disaster, in which even in ideal conditions the lifeboats could have em-

berked only 1,178 of the 2,021 on board, was the main spur to the establishment of modern safety requirements.

Without sufficient boats, the more usual behaviour was that seen on the American steamer *Arctic*. In compliance with relatively good American regulations of the time, *Arctic* was carrying six lifeboats and other safety equipment — though not enough for the 282 passengers and 150 crew — when it collided with a French vessel off Newfoundland on September 27, 1854. Despite the captain's efforts to have as many women and

children put into the boats as possible, there was a total breakdown of discipline and many of the male passengers and crew fought their way into the boats and cast off. More than 300 men, women and children drowned when the ship sank.

All these incidents involved steamships. Back in the age of sail, the idea of "women and children first" was irrelevant. At the time of the Arctic tragedy, Lloyd's regulations merely stated that all merchant vessels had to carry at least two good boats.

Those who entrusted their selves to the hazards of, say, an

emigrant voyage, did so against a background of routine maritime disaster. When a ship foundered on passage, those fittest to survive in the boats were generally those capable of navigating them successfully — that is, the crew — as demonstrated by William Bligh's epic small-boat passage of 3,600 miles after the *Bounty* mutiny of 1789. Passengers took their chances, and women and children usually came last. One can only speculate at the reason for strange exceptions such as Eliza Lafferty, who managed to talk her way with two other women into the jolly boat of the sinking emigrant ship *William Brown*, which was bound for America in 1841.

In another boat, women and male passengers were murdered by the crew and thrown overboard. This, too, was by no means unusual, and at least some crews drew lots to determine both who should die to save rations and who should become rations. This was justified on the basis of necessity. Cannibalism at sea in such circumstances has an extremely long history. Effecting a rescue was by no means easy when one sailing ship had to help or even rendezvous with a dismasted and dangerous hulk in the open sea, possibly risking the loss of both.

The last and most famous legal case of cannibalism at sea concerned the yacht *Mignonette* in 1884. Following her sinking, two crew members killed and ate the cabin boy to survive. Although found guilty of murder, their sentence was commuted to six months' imprisonment in consideration of the extraordinary circumstances.

What happened on the *Oceanos* as crew and passengers saved themselves is a matter for investigation. However, they are fortunate that their ordeal took place in the late 20th century, rather than the years before the death of Queen Victoria.

The author is a historian at the National Maritime Museum.

...and moreover

## CRAIG BROWN

I returned the other day to find a message on my answerphone from a journalist on a national Sunday newspaper. It went like this: "I am writing an article about ethics. Someone suggested you'd be worth talking to."

At first, I was rather flattered that anyone considered me sufficiently virtuous, or at least sufficiently intellectual, to shed light on this grandest of subjects. But then apprehension set in. Perhaps I was to be held up as an example of a journalist who had ridden roughshod over all accepted ethical standards. Like a number of journalists, perhaps more so than most, I prefer to make things up, and this does not always go down very well with the subjects.

For instance, when I worked on *The Tatler*, I wrote an article in which I "revealed" that Barbara Cartland and Beryl Reid were long-lost sisters. Before the week was out, I had received separate angry letters from the two of them, each equally appalled at the idea of being the sister of the other.

With these and a hundred other angry letters whirling around in my memory, I returned the journalist's call with fear in my voice. "You want to ask me about ethics?" I said. "No," he replied, "Essex". I had got it wrong, but only slightly. Since the invention of "Essex Man" by a Sunday newspaper a year or so ago, Essex has become journalistic shorthand for everything common and creepy and pushy in

Britain today. In this way, Essex and ethics are, indeed, weirdly related, the one representing the opposite of the other.

I have lived in Essex for four years now, a full three years and fifty-one days longer than it takes to be classified by one's fellow journalists as an expert on any given subject. My new professional status had encouraged the journalist to telephone me. He had earlier rung Ruth Rendell, who had claimed to be most upset at being asked about Essex, as she lived in a different world entirely, just across the border in homey, kindly, cuddly old Suffolk. Like others before him, the journalist had come to the conclusion that Essex is a hot-house of murder and disaster. He listed a familiar litany of miseries, including the unsolved murder of Mrs Jones the Coggeshall doctor's wife, the horrific Bamber murders, the death of Peter Langan and — a recent addition — the death near Saffron Walden of the pop star Steve Marriott.

And what of the libel cases between Teresa Gorman MP and Anthony Mudd of the Billerica Conservative Businessmen's Club. Mudd — and, I suppose, Mudd — sticks to Essex, and for this journalist, each of these untoward events constituted proof of the country's dark and sinister underside. "How unjust the world is to Essex," wrote Matthew Arnold to his wife in 1853, and I am beginning to feel the same. The Kray brothers used to have — some say still have — a manor

house in Suffolk; the recent attempted murder of a solicitor by his wife and her flying-instructor involving a striptease, a lawnmower and a garden pond took place in Suffolk; if Ruth Rendell's novels are to be believed, the dishes of homey, kindly, cuddly old Suffolk are jam-packed with corpses; why, the Bury St Edmunds museum in Suffolk even exhibits a Bible bound in the skin of the murderer of Maria Marten. Yet still it is poor Essex that gets all the blame.

Historically, Suffolk has always got off lightly, never being held responsible for any aberration within its own borders. You would have thought that Ipswich, at least, would have attracted a few black marks, but not at all. In 1843, Edward Fitzgerald inexplicably pronounced it "the Florence of Suffolk". Somehow, the same romanticism applied to any town in Essex would attract only guffaws. Who, for instance, can now imagine the mystique of Ongar and of Epping experienced by James Smith, returning to his childhood haunts in Chigwell early last century?

... The path beneath Sir Eliah's wall  
I once again am stepping;  
Beyond that round we rarely stirred;  
Loughness we saw — but only heard  
Of Ongar and of Epping.

However, in a mood-breaking article the day after tomorrow, I shall be arguing that one day soon history will only be too happy to return ethics to Essex.

## King and no country

As hopes for peace fade in Yugoslavia, the growing tension within the exiled royal family in Britain will be exacerbated by the expected decision of Prince Tomislav, fifth in line to the throne, to visit his native country.

In public, at least, Crown Prince Alexander, the heir to the throne, whose father King Peter was forced into exile in 1941, has put on a display of unity with his uncle. But the unity is cracking under the strain of the visit to Belgrade by Tomislav's second wife, Princess Lynda, and their two sons. The crown prince has refrained from public comment, but his supporters are appealing to Tomislav, a Serb, to rethink his planned trip, which they fear will damage the reputation of the monarchy by linking it with Slobodan Milosevic, the Serbian leader.

Nenja Marcek, one of the founders of the South Slav Research and Study Centre in London, whose patrons are Tomislav and Lynda, says: "It is in sharp contrast to Crown Prince Alexander's policy of establishing and widening contacts with all ethnic and religious groups, not just Serbs. Only Crown Prince Alexander should be involved. It is nothing to do with Tomislav." The Lukic Organisation, which helps fund Alexander's campaign to gain the throne, is also incensed. Dragan Lukic, tipped as a Yugoslavian ambassador to London under a King Alexander of Yugoslavia, says Tomislav and his wife are interfering. "Sometimes in Serbian history, wives have meddled in politics with tragic consequences."

Tomislav is unrepentant. "I don't need a lecture in etiquette. My nephew's supporters do it their way. I do it mine."



● If John Major does call an election on November 7, as many political pundits suggest, Robert Hayward, the Tory MP, will have divided loyalties. He has been invited to Buckingham Palace on the same day to receive an OBE for his work with the Gulf Support Group. But with a marginal seat, what will he put first: Queen, country or constituency? "I would try to honour all three," he says.

## O'er the ocean

A familiar figure will be missing from the Cowes Week regatta. With only eight days instead of the usual nine, Edward Heath, one of the nation's best-known sea captains, has decided to stay away from the 165-year-old event.

Still a regular at the Boat Show and other key nautical events, Heath is away in Canada on business. For more years than his staff cares to remember, the former prime minister has attended the Royal Yacht Club Squadron members' ball, which was held last night. "I'm afraid he is not as interested as he used to be," says Robert Vaudry, Heath's private secretary. "If he had been in Salisbury, he might have gone."

With too few races to justify the final Sunday, the organisers have pulled the plug. Sue Fielden, deputy secretary of the Cowes Combined Club, which runs the regatta, says: "People are tired by then and want to go home."

## Safe Sex

When a mugger pounced on Tony Cobb, the art director of publishers Mitchell Beazley, he must have been taken aback by the brave struggle he encountered. Cobb had just finished a long photographic session in the company studios when his assailant pounced. But Cobb held on to the briefcase, and the mugger ran off empty-handed. He will never know what he missed. Tucked inside were the colour photographs and drawings which are being used in the first



revision for 19 years of the book *The New Joy of Sex*, which comes out in September.

"We would have missed the deadline," a Mitchell Beazley spokesman says. "It would have been back to the drawing board. That's why Tony was not letting go." Either that or he wanted to save the mugger from a shock when he opened the case.

## Flights of fancy

Covent Garden is going green. The opera house is planning its first environmental event: a bird ballet. A series of extracts from ballets with ornithological themes is being held in November in aid of the Royal Society for the Protection of Birds.

Naturally, sections from *Swan Lake* and Stravinsky's *Firebird* will take centre stage. But there may be time, too, for extracts from more modern productions, such as David Bintley's *Still Life at the Penguin Café*. Fashion designers Christian Lacroix, Karl Lagerfeld and Versace are preparing suitably feathered costumes for performers from the Bolshoi and the Royal Ballet, which have promised their principal dancers.

But perhaps most perfectly cast of all is the event's artistic director: the bird-like figure of Wayne Sleep.

● An unfortunate choice of words for the banner headline on yesterday's front page of the Irish Independent. "Condoms Bill: split to force changes."

## Security bar

One of Westminster's historic watering holes, which quenched the thirst of Baldwin, Churchill and Macmillan, has been resurrected. St Stephen's Tavern, in Bridge Street, closed for four years for work on the extension to the Commons. When it reopens few people will get the chance to admire the restored glories of the 1830s building. It will serve only MPs and their constituents, adding another bar to the 24 already serving the Palace of Westminster.

Andrew Makepeace, from the Commons environmental department, says: "It will serve sticky buns, as well as the harder stuff, to try to cope with everyone who visits their MP from Women's Institutes to Falklands war veterans." Don Dixon, Labour's deputy chief whip, says: "There used to be no MP who did not go there to meet the press. It is very welcome that it is coming back." For MPs that is.

THE PE

RENEW

GARLIC





## THE PEACE MOMENTUM

What is to be done after the breakdown of the latest European Community effort to mediate in Yugoslavia's tragic confrontation? Temptations will assail today's emergency meeting of EC foreign ministers. They may be urged to send in a peacekeeping force. But, in the absence of a ceasefire agreement and in the teeth of Serbian opposition, that would be folly. It would risk dragging the EC in as one more party to a dispute that is complex enough already.

The same risk is attached to Hans-Dietrich Genscher's proposal yesterday that the EC should put economic pressure on Serbia, to thwart Serbian expansionism. The German foreign minister seems to be abandoning the effort to mediate by finding solutions acceptable to both sides, and now seeks to arbitrate, imposing solutions from outside. Herr Genscher's untypically adventurous approach to matters Yugoslav is seriously handicapping the EC's handling of the crisis.

Any external pressure on the parties should be limited to restoring the mediation process. Serbia must be persuaded to resume the search for peaceful solutions to which the EC is lending its good offices. But even in those terms, EC foreign ministers will take some persuading that pressure can be made specific enough to bear on Serbia alone.

But provided the EC refuses to admit failure, the situation is not hopeless. There are internal brakes on Serbia's warlike intent towards Croatia, which may yet start to bite. The latest round of talks failed because of the obduracy of the Serbian leader, Slobodan Milosevic. That was to be expected when Serbs were "winning". But ordinary Yugoslavs, Serbs as well as other nationalities, are already asking what "winning" could possibly mean. Serbian guerrillas can take villages. They cannot sensibly stay on Croat soil as an army of occupation.

The spectacle of tens of thousands of terrified villagers, both Serb and Croat, in flight has almost overnight generated a strong spontaneous peace movement. Newspapers are deluged with letters, women's organisations are calling for a minute of

silence, and the leaders of all the republics are being bluntly told to make peace. The image, morale and political cohesion of the federal army has been seriously damaged by its defeat in Slovenia. As the Dutch foreign minister has noted, the EC's proposals have the support of "a vast majority among the federal and republican authorities".

What is vital, therefore, is to keep the momentum for peace going. At last week's super-power summit, Presidents Bush and Gorbachev gave their public blessing to EC mediation. The EC should now go back to square one, reporting back to the 35-nation Conference on Security and Cooperation in Europe from which it derives its mandate.

Should the CSCE, which operates by consensus, fail to reach a speedy decision, Britain and France should consider taking the matter to the UN Security Council. Refugees are already spilling over Yugoslavia's borders, making the conflict a potential threat to international peace and security. A precedent exists, as the five permanent members are already engaged in brokering an end to Cambodia's civil war.

Condemnation from the EC, the CSCE and the UN itself will not of itself dissuade militant Serbs from embarking on a civil war. Such a resolve is sadly sometimes unstoppable. It will however hearten and strengthen those non-militants who favour peace. If not at this point in the conflict then later, such pressures will work towards restoring stability. Meanwhile, alas, if there is an increase in blood-letting, those outside have no real alternative but to bide their time and wait in anguish for their moment.

For the EC nations now to wash their hands of mediation in Yugoslavia would be damaging to the prospects for stability in the rest of Europe's central and eastern regions. To win the diplomatic support of a wider coalition, including the Soviet Union, is the best way to convince Serbia's leadership that it courts total isolation. The EC must not promise more than it can wisely deliver, but neither must it give up. Patience and persistence may yet pay off.

## RENEWABLE SCEPTICISM

The very word "renewable" is rife with energetic virtue. When Colin Moynihan, junior energy minister, announces that he is setting up a committee to review and promote renewable energy research, therefore, he expects to be seen as on the side of the angels. Indeed, he talks portentously of a "duty to future generations" and of the United Kingdom "continuing to be at the forefront of development".

Amidst all this eco-pieté, a word of scepticism seems almost indecent. There are two ways of uttering it. The rude way is that renewable energy does not work, is a waste of money, and threatens the very environment it is supposed to protect. The polite way is to say that renewable energy is long term. Either way, the committee must nail its feet firmly to the ground. For all the ministerial hype, Britain's investment in renewable energy is modest — only £24 million from the energy department this year — and should remain that way.

Renewable energy sources divide into two. First there are the "good-housekeeping" sources, such as energy from refuse-burning or from gas extracted from landfill sites, or even, in the case of one small project in Dorset, energy from pig slurry. If they are economic and environmentally friendly, they make a useful though utterly marginal contribution to total energy needs.

In the second case come the elements, the sun and the wind, the tide and the waves, which apparently offer an unlimited something-for-nothing from nature's bounty. This is where the romance of what looks possible quickly obscures the reality of what is feasible. But there is an overriding technical reason why all these sources are unlikely ever to transform the economics of energy: they are all extremely diffuse. By contrast energy from fossil fuels is highly concentrated. The transfer from wind and water energy to fossil fuel energy prepared the way for the industrial revolution.

## GARLIC-EATING BRITONS

Persons of distinction and rank, wrote Mrs Beeton, would condescend to use the humble garlic bulb only for wiping the inside of a salad bowl. Apparently now immune to the social stigma, her readers' descendants, bearing the less evocative appellation of "socio-economic group AB", now eat garlic voraciously. Or so says a survey published yesterday by the unlikely-sounding Garlic Research Bureau.

The British are just waking up to what continental Europeans and Orientals have known all along. Garlic makes bad food taste good, most food taste better. The British used other taste enhancers over the centuries, from vinegar to anchovies. But they sneered at garlic, and complained abroad that everybody smelt of it, foolishly scorning (lest they turned into Europeans themselves) the remedy of eating it too.

That garlic is good for you has been known for millennia by everybody else. Long after the Sumerians favoured it, Dioscorides, the chief physician to the Roman legions billeted to Britain, prescribed it against marsh fever and all the other diseases engendered by the foul British climate. The soldiers — already on the way to being British, evidently — were reluctant to sully their breath. But they were assured by Dioscorides that the bulb was an aphrodisiac. They consented to put it in the soles of their sandals — as far from their mouths as they could get it, perhaps — hoping it would be absorbed through the skin.

Nothing has emerged to suggest that the time has come to reverse that change.

Wind farms, for instance, have to be spread across remote and exposed places, their ugly towers and propellers a curse on the visual environment. More than 20,000 commercial wind machines have been erected world-wide in the past decade, 80 per cent of them in California. They still supply only 1 per cent of that state's electricity.

Tidal power, such as the proposed Severn estuary barrage, involves grotesque distortions to the regional landscape at staggering expense — in the case of the Severn, some £8 billion. Wave power is so diffuse that experiments to collect it have all but ceased. Solar power is still struggling to make the leap from a house-roof gimmick to large-scale applications. And it is most plentiful in summer, when it is least needed.

There are newer ideas. In Cornwall, deep drilling through the earth's crust — with little environmental damage — is intended to see whether the hot core of the planet can be tapped for energy. This is not a diffuse source, and the time when useful power can be brought to the surface may not be more than ten years away. But drilling to depths of five miles or more is so far a problem without a solution.

This project therefore stands the wrong side of an enormous "if only..." as do all other dreams of unlimited renewable energy. They can do little to relieve global energy scarcity, nor to reduce environmental damage from the burning of fossil fuel. Sensible taxation policies to promote efficiency and cleanliness, though less dramatic and more politically unpopular, are the only realistic route forward. The "carbon tax", extracted for instance by higher duty on motor fuel, is the best way to limit the discharge of carbon dioxide by discouraging wasteful fuel use. If the quest for renewable energy is a distraction from that course, it is actually harmful.

Hardly since, in Britain, has it been used to flavour food. For the British knew food was not supposed to have a flavour, or if it did, everything should taste the same. Francis Partridge's wartime diary chronicled "an all-beige meal, starting with beige soup thickened to the consistency of paste, followed by mince full of lumps and garnished with beige beans and a few beige potatoes..."

Raymond Postgate, founder of *The Good Food Guide*, proposed in 1949 that there should be a Society for the Prevention of Cruelty to Food. He claimed that the omnipresent sauce bottles on restaurant tables "were provided on the justified assumption that you would want to hide completely the taste of what you would be offered. But the nation was by then ripe for rescuing from such culinary deprivation: the price of xenophobia was proving too high."

The food revival in Britain largely dates from the 1950s, when Elizabeth David published her first books on continental cuisine. Eating out in good restaurants and foreign travel did the rest. The British learned to their surprise that good food only needed good ingredients and a decent cookery book, and it could be quite a treat. Gradually, as the message spread, the pungent member of the lily family invaded the nation's better cooking pots. And the British have become good garlic-eating Europeans at last.

## Mr Hurd's post-mortem on a year of dangerous living

From Dr Alan Sked

Sir, The Foreign Secretary ("A year the world lived dangerously", August 2) attempts to disguise the fact that while the Allies won the Gulf war, they threw away the peace.

Whereas the feelings of the air-crews do them credit, these must surely have played only a minor part in the decision to allow Saddam and a surprisingly large part of his military establishment to remain free, especially since Baghdad could have been taken within 24 hours. The UN resolutions were deliberately framed with sufficient ambiguity to allow the Allies to press on if they wanted to.

Mr Hurd's claim that "had we gone to Baghdad we should have found ourselves forced to choose and then sustain a new Iraqi government" smells more than slightly of hypocrisy. We did choose. Our inaction has sustained an Iraqi government — that of Saddam Hussein, which was allowed, under our very noses, to crush rebellious Shiites in the south, people who were never even offered the belated and now once again highly precarious "safe havens" created in the north. Even there, 30,000 Kurds were allowed to die before such safe havens were established.

Meanwhile, on the same day as Mr Hurd pens his excuses, Mrs Thatcher says on Kuwaiti television: "We (=I) should not have had a ceasefire agreement unless as a condition of it Saddam Hussein would have been handed over by the Iraqi people for trial."

Given this television interview, I submit that I was totally justified in asking the question which caused the government so much offence (report and leading article, April 12, 1991): "Was the price paid for the overthrow of Mrs Thatcher paid for with the blood of thousands of innocent Iraqis?" The answer must surely be yes.

This time, I totally and absolutely dissociate the Bruges Group from my remarks.

Yours faithfully,  
ALAN SKED,  
The London School of Economics and Political Science,  
Department of International History,  
Houghton Street, WC2.

From Mr Derek L. Paul  
Sir, Few, I believe, will be convinced by Douglas Hurd's lame excuses —

### Siege machine

From Dr R. K. French

Sir, The ultimate siege machine (letters, July 25, 30, 31; August 3) of the High Middle Ages was made by the church. It was Bishop Durand's fast-repeating trebuchet.

He was fighting 13th-century heresy in Provence — the worst the church had ever known — and had cornered the heretics, whom he wished to burn, in the apparently impenetrable fortress of Montségur. He accordingly designed a new trebuchet.

It took 20 minutes to wind it up, load it and fire; its novel feature was that each missile weighed the same (40 kilos) and so, giving a constant tension of the torsion apparatus, the missile could hit the same spot, if necessary for weeks at a time.

It could penetrate the thickest wall. *Et trabucquet, qui brize la mur sarrazinois* ("the trebuchet, which breaches the Saracen wall"), sang the troubadours sadly, as Durand burned his heretics.

I am, Sir, yours faithfully,  
R. K. FRENCH (Director),  
Cambridge Wellcome Unit for the History of Medicine,  
University of Cambridge,  
Department of History and Philosophy of Science,  
Free School Lane, Cambridge.  
August 3.

### Philosophers at odds

From Professor R. M. Sainsbury

Sir, Daniel Johnson ("When philosophers cast the first stone", July 29) represents British philosophers as not having emerged "with credit" in a debate surrounding the cancellation of a Wittgenstein conference in Austria. The facts do not bear him out.

At the AGM of the Aristotelian Society in Durham on July 14 a motion was passed "expressing concern" at the events which had led to the cancellation of the Austrian meeting. No person or organisation was "censured" or "condemned". The subject of discussion, which was calm and civilised, was the motion, not enthusiasm.

The Austrian meeting was cancelled because it was understood that certain organisations (not

### Army dental cuts

From Sir Philip Goodhart, MP for Beckenham (Conservative)

Sir, Norman Whitehouse, the chief executive of the British Dental Association, argues (July 30) that it is "dawn in principle" to suggest that the Royal Army Dental Corps is overmanned. The figures must speak for themselves.

In Great Britain there are 18,000 dentists for a population of approximately 57 million — in other words, there is one dentist for every 3,000 people. In the London borough of Bromley, part of which I represent, there are 142 dentists for a population of nearly 300,000 men, women and children.

On January 1, 1991 there were 386 dentists in the armed forces to look after 298,000 service men and women. In the Royal Army Dental Corps there were 190 dentists for 156,000 soldiers. Of course, service

dentists will also look after the teeth of service families, but some service personnel and their families will have treatment by civilian dentists, and service dentists do not normally have to deal with elderly patients who need a disproportionate amount of care in civilian dental practices.

Out of the 190 army dentists, the current army list shows that there are three brigadiers, 27 colonels, and 47 lieutenant-colonels. This extraordinary preponderance of senior ranks can largely be explained by the fact that at the moment a lieutenant-colonel receives a military salary of about £32,000. In April 1991 the last pay review board recommendation for civilian dentists was £33,010 (net of practice expenses). It is obviously

difficult to fit dentists, or doctors, into a service pay structure.

The reduction in the size of the army from 156,000 to 116,000, combined with the return to this country of the larger part of the BAOR, should mean that there will be fundamental changes in the way that the army receives its dental and medical support.

The secretary of state's white paper, *Britain's Army for the 90s*, and his statement to the House of Commons on July 23 made only the briefest of references to medical support, while the letter from the chief executive of the British Dental Association does not mention any review of dental policy. I hope that a fundamental reassessment of medical and dental support for the armed forces is already under way.

Yours faithfully,  
PHILIP GOODHART,  
House of Commons.

Letters to the editor should carry a daytime telephone number. They may be sent to a fax number — (071 782 5046).

From the Vice President of the Campaign for Nuclear Disarmament

Sir, Douglas Hurd ends his apology for the Gulf war by twice asseverating that, to secure lasting peace, "we" will and must act to prevent the proliferation of weapons of mass destruction.

"We" must include Britain. Perhaps Mr Hurd or one of his co-politicians will explain how the eightfold increase in British strategic nuclear striking power that Trident will import will further his aspiration on "our" behalf.

Yours faithfully,  
A. MACKIE (Vice President),  
Campaign for Nuclear Disarmament,  
162 Holloway Road, N7.

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A. MACKIE (Vice President),  
Campaign for Nuclear Disarmament,  
162 Holloway Road, N7.

### Ancient battle site

From Dr Graham Webster

Sir, Our archaeological correspondent, Norman Hammond (July 27) implied that Professor Barri Jones had identified Llanymynech, south of Oswestry, as the site of the last stand of Caractacus against the Roman army led by the governor, Ostorius Scapula, cAD50. But this site is not in accord with the detailed description given by Tacitus.

The essence of the cunning choice of Caractacus is that he forced the Romans, against their normal practice, into a frontal assault across a river of uncertain depth. They were unable to encircle the hill, presumably because of thick woods, so there was no circumvallation.

### Protecting wild places

From Mr Alan Morris

Sir, Opposition to extending public access to Britain's pitifully few remaining areas of unspoiled countryside (letters, August 1) does not come only from wealthy landowners and the grouse-shooting nobility. There are just too many people to allow unrestricted access to all our wild places.

Large areas of our most beautiful uplands are now irreparably scarred by countless pairs of boots, devastation that could scarcely have been imagined by the mass-trespassers of the Thirties. Ashdown Forest is criss-crossed by eroded footpaths.

philosophical ones) had threatened violence if certain named persons, including Professor Peter Singer, spoke. I am sure that Mr Johnson would concur in regarding terrorist threats of this nature as a cause for concern. It is another question, and one which the Aristotelian Society's motion did not address, whether cancelling the meeting was the proper response.

Yours faithfully,  
MARK SAINSBURY,  
King's College London,  
Department of Philosophy,  
Strand, WC2.

From Professor R. M. Hare

Sir, There has been no "unseemly squabble" between British and Austrian philosophers, as Daniel Johnson suggests, but rather a disagreement among Austrians.

After this year's Wittgenstein symposium had been arranged in the field of applied philosophy, and the papers written, but before even their titles were published, the president of the Wittgenstein Society took flight at a threat of public agitation and disruption such as marred the visit of Peter Singer to Germany in 1989. He demanded that invitations be withdrawn from Singer and a number of other named individual speakers from different countries, including Britain and Germany.

The organisers of the symposium, sooner than acquiesce in this selective ban, cancelled the entire symposium, planning to publish the papers in a book.

I am etc.  
R. M. HARE,  
Corpus Christi College, Oxford.

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Corpus Christi College, Oxford.

## Mortgagee resists cash in advance

From Mr Lynn Lewis

Sir, Abbey National have just reported (details, August 1) first-half pre-tax profits up by 10 per cent. I am glad I have resisted their attempts to get me to subsidise them.

I started a new £127,000 mortgage with them on April 5. They asked me to pay them immediately in advance the £1,165 interest for the rest of that calendar month, as well as making the first of the regular monthly interest payments on May 5. Their purpose is, they say, to make sure that on the last day of the year all accounts are up to date and they can tell the Inland Revenue the exact amount paid in interest.

Had I taken out my mortgage, for example, on April 29 they would be asking for only one day's interest in advance. But people taking out mortgages cannot always determine the exact date on which their house purchase will take place.

I have declined to make the payment until December 31, by bringing forward the amount due on January 5 and thus balancing the books at the year end, and repeating the process each December 31 until the mortgage expires. They have agreed that it is not "due" until then, but their computer keeps sending me notes saying I am in arrears. Abbey National say that everybody else pays without a murmur.

I calculate that if, instead of letting them have the advance payment they are demanding, I had put the £1,165 in one of their high interest-earning savings accounts, it would be worth more than £10,000 at the end of a 25-year mortgage.

There may be many people in arrears with mortgages, but I wonder how many more are redressing the balance by paying in advance. Here is another example of banking monkey business that needs examining.

Yours faithfully,  
LYNN LEWIS,  
Riverside, Thames Meadow,  
Shepperton, Middlesex.  
August 1.

### Parish costs

From the Reverend Michael A. Smith

Sir, We do not need to be lectured (Mr Stag and Mrs Loveless, July 26) on the magnanimity of the Church Commissioners and, by implication, on the tight-fistedness of the laity in the Church of England.

The Church Commissioners are not private benefactors but people appointed to administer the very large resources of the C of E. Most of the money they allocate rightly belongs to the parishes as it derives from the surrendered endowments of tithes, Queen Anne's Bounty and the like. This money is there for the maintenance of the worship of God and to provide for the preaching of the gospel.

The laity are not unaware of "the real cost of the church" but there are (at least) three obvious reasons why many are unwilling to increase their giving.

First, they see the church authorities wasting what has been given on an ever-increasing bureaucracy. Paradoxically, as membership of the C of E declines we find in our dioceses more secretaries, more administrators and larger expensively equipped offices: we are drowning in a flood of printed paper which would have enveloped the Ark.

Secondly, as Mr Hughes (July 31) so rightly says, many clergy have been diverted from the work for which they were ordained and have become instead "training officers" and "advisers" — "brief-case men" who drive around the diocese from one meeting to another filling up their diaries to justify their own existence.

And thirdly, the Great Leech itself, the General Synod, draws off millions of pounds for its self-important proceedings which are of interest, for the most part, only to cliques and pressure groups.

Members of the C of E do well to starve this monster of administration which threatens the true life of the church. They should give their money to worthwhile causes.

Yours faithfully,  
MICHAEL A. SMITH,  
35 Percy Road,  
Pocklington, York.  
July 31.

From Mr John Roemmele

Sir, Mr Hughes is quite right. It appears that our Anglican *homenklatura* first decide what to spend and then ask us parishioners to pay the piper for playing their tune.

Our small parish is not unique in having its quota raised from 8 per cent of £5,000 income to 52 per cent of £14,000 in little over a decade.

Yours faithfully,  
JOHN ROEMMELE,  
Apple Tree Cottage,  
Parsonage Lane,  
Icklesham,  
Winchelsea,  
East Sussex.

### A touch of tin

From Mrs E. G. Walsh

Sir, For our tenth wedding anniversary (letters, July 30, August 2) my husband's commanding officer gave us a tin of passion fruit.

Yours faithfully,  
MARGARET WALSH,  
Victoria House,  
Akeley, Buckingham.

Business letters, page 22











## 16 REVIEWS

## NEW RELEASES

**AFTER DARK, MY SWEET (18):** Tommaso driver (Liam Neeson) wanders into a kidnapping plot. Atmospheric thriller from a Jim Thompson novel, which survives as raw; director, James Foley. Cannon Plaza (071-455 2443) Cannon Tottenham Court Road (071-536 6148).

**BACKDRAFT (15):** Overblown fire-fighting epic with awesome flames but silly characters. Starring Kurt Russell, William Baldwin, Robert De Niro, director, Ron Howard. Cannon Plaza (071-455 2443) Cannon Tottenham Court Road (071-536 6148).

**EVERYBODY'S FINE (12):** Agost Scelloni (Marco Ferreri) seeks out his five children in Italy. Unsettling, bitter-sweet drama from Cannes Festival director Giuseppe Tornatore. Cannon Plaza (071-455 2443) Cannon Tottenham Court Road (071-536 6148).

**THE LADY FROM THE SHANGHAI CINEMA (18):** Frozen carcass in the film noir style from Brazilian director Guillermo de Almeida Prado. Metro (071-437 0757).

**LISTEN UP THE LIVES OF CURRY JONES (12):** Chaotic, fragmentary portrait of the multi-talented musician, with laughs truly scattered through the rubble. Simon Weir. Cannon Plaza (071-455 2443) Cannon Tottenham Court Road (071-536 6148).

**PRAYER OF THE ROLLERBOYS (15):** Suiyudang gang movie for roller-skating teenagers. With Corey Haim, Patricia Arquette, director, Rick King. Cannon Plaza (071-455 2443) Cannon Tottenham Court Road (071-536 6148).

**ROCK-A-DOODLE (15):** Elvis-voced rock trio success and trouble as a rock 'n' roll act. Invention but frantic cartoon, director, Don Bluth. Odessa: Kensington (0426 914668) Macclesfield (071-536 6111) Swiss Cottage (071-722 5303) Whittles (071-722 5303).

**THE ROCKETEER (PG):** Hollywood Nazi agents cover mobster racket. Endearing teeny romp with amusing period detail. Starring, Sam Campbell, Jennifer Connolly, Timothy Dalton, director, John Johnston. Cannon Plaza (071-455 2443) Cannon Tottenham Court Road (071-536 6148).

**ANGELS STILL FALLING:** Atmospheric trip through the life of Jack Kerouac, poet and writer. Good acting, set and jazz. Boulevard, Walker & Co., 101, Mon-Sat, 7.30pm, mat Sat, 4.30pm.

**THE CARETAKER:** Donald Plascencia in Peter's classic tale about a tramp and two brothers. Cannon Plaza (071-455 2443) Cannon Tottenham Court Road (071-536 6148).

**CARMEN JONES:** Classic production of the Hammer musical. Old Vic, Waterloo Road, SE1 (071-938 7818), Mon-Sat, 7.45pm, mat Wed, Sat, 3pm, 15mins.

**THE COUP:** Norman Bates as a coup president in Minsk. A study of a coup in Minsk. National (Colindale), South Bank, SE1 (071-629 2252), Mon-Sat, 7.30pm, mat Wed, Sat, 4.30pm.

**DANCING AT LUGHNASSA:** Brian Friel's Oscar Award-winning musical play set in 1930s Donegal. Phoenix, Charing Cross Road, WC2 (071-587 1044), Mon-Sat, 8pm, mat Thurs, 3pm, Sat, 4pm, 15mins.

**DON'T DRESS FOR DINNER:** Simon Cappel in average, French-brothered life. Apollo, Shaftesbury Avenue, W1 (071-434 5037), Mon-Fri, 8pm, Sat, 8.30pm, mat Wed, Sat, 3pm, 15mins.

**EDWARD II:** Simon Russell Beale and Ciaran Hinds outstanding as the gay king and his venomous enemy. The Phil, Barbican Centre, Silk Street, EC2 (071-538 8881), Tonight, 7.30pm, 15mins.

**JOSEPH AND THE AMAZING TECHNICOLOR DREAMCOAT:** Jason Donovan sports a golden wig for the first time. Apollo, Shaftesbury Avenue, W1 (071-434 5037), Mon-Fri, 8pm, Sat, 8.30pm, mat Wed, Sat, 3pm, 15mins.

**KING LEAR:** Pensive production by Nicholas Hyman with John Wood in superb voice.

**850 PHONES:** Jerry Mielechuk conducts the BBC Symphony Orchestra, making its first appearance in the Prom season, in a programme of contrasting Shostakovich 5th and 7th Symphonies for Cello and Orchestra. Royal Albert Hall, Kensington Gore, London SW7 (071-823 9938), 7.30pm.

**SHAPES:** The Britten-Pears Chamber Choir perform works by Vaughan Williams, Monteverdi, Elgar, Tippett and Poulenc. Oxford Church, Oxford (0800 985769), 7.30pm.

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**PALLA**















# Japanese to ban broker payouts for share losses

From JOANNA PITMAN IN TOKYO

TOSHIO Kaifu, the Japanese prime minister, and Ryutaro Hashimoto, the finance minister, pledged yesterday at a special session of parliament that the government would do its utmost, including revising the securities and exchange law, to prevent a recurrence of the Tokyo securities scandal.

Seventeen securities companies have admitted improperly compensating their most important clients with ¥172 billion (£748 million) to reimburse losses made on stock and bond investments.

Mr Kaifu said that the planned revision of the securities and exchange law would ban the covering of investment losses and discretionary accounts in which clients entrust brokers with the portfolio management decisions.

Nobuhiko Matsuno, director general of the finance ministry securities bureau, repeated his ministry's explanation of the affair yesterday, saying that reimbursement of losses is illegal only if promised when orders for securities are sought. All the companies involved claimed they did not guarantee compensation in advance. Their actions, known by the ministry since March 1990, are not illegal, but "very improper".

Mr Matsuno pledged yesterday to prohibit future compensation for losses by legislation and reinforcing ministry inspection of securities firms. The ministry does not, however, advocate estab-

lishing an independent watchdog, such as America's Securities and Exchange Commission. Mr Matsuno said such a watchdog overseeing only securities-related matters would not fit the current climate of financial deregulation which will eventually allow banks to act as brokers and vice versa.

Behind the current scandal are the close ties between the finance ministry and its constituents and the policy of "administrative guidance" which appears to keep the distinction between "illegal" and "improper" deliberately vague. A ministry of finance guideline in 1989 discouraged brokers from paying loss compensation to favoured clients, yet the payments have continued for years with the full knowledge of the ministry.

Market analysts believe that the recent compensation rather than research and development. The authorities have been attempting to curb the *zaitech* boom of the Eighties, when Toyota Motor developed a financial investment arm and companies like Hanwa, a steel firm, began making more money from the stock and bond markets than making steel products.



Crackdown: Ryutaro Hashimoto (left), and Toshio Kaifu, announcing the moves

## German jobs trend lifts hope

By WOLFGANG MÜNCHAU, EUROPEAN BUSINESS CORRESPONDENT

EASTERN German unemployment grew far less than expected in July, amid first signs that the long-awaited recovery in the eastern German economy is finally underway.

According to a newspaper report in *Bild*, unemployment rose 215,000 to 1.05 million, or 12 per cent of the labour force, last month. The figures are due to be released today.

The rise in unemployment contrasts with forecasts of between 500,000 and 600,000, but economists were cautious about distortions caused by short-time work and federal job creation measures. There

was consensus that unemployment was due to rise strongly last month because of the phasing-out of a redundancy protection scheme at the end of June.

The news on unemployment follows indications that investment activity in eastern Germany has been picking up recently, particularly in the construction sector, the first to benefit from the federal government's funding programme to revitalise the region.

The beginning of the upswing also affects other infrastructural sectors, including telecommunications and services. Private and public sec-

tor investment this year is forecast to reach DM60 billion, of which the west German private sector is expected to account for DM23 billion.

The jobs trend conceals a fair degree of unemployment. This includes a generous scheme for short-time work to be phased out by the end of this year, that affects about 2 million workers.

In June, the federal government formed state-funded job creation schemes, some of which operate in the construction sector.

The scheme was mainly intended to reduce the social impact of unemployment but has been criticised for potentially crowding out private contractors.

The German economics ministry said it was too early to predict a general improvement in the labour market. Unemployment would only fall once the improvement in eastern Germany was well underway.

## WH Smith keeps TV stake in £45m sale

By MATTHEW BOND

WH SMITH'S 19.9 per cent stake in Yorkshire Television has been omitted from a £45 million clear-out of its loss-making television interests.

The company, which owns Our Price Records and the Waterstone book shops as well as the eponymous stationery and newsagents chain, has also sold its travel business to Carlson Travel Network, the American owner of AT Mays, the British travel agent.

WH Smith Travel's 89 insurance outlets will be closed, with the space reverting to normal retail use. The outlets and some of their staff will transfer to AT Mays.

Of Smith Travel's 61 stand-alone outlets, AT Mays will take 33 complete, but not the property of a further 16. The remaining 12 will be closed. In all, about 400 jobs could be lost, said a spokesman for Smith. The loss Smith has realised on the two disposals will be taken as an extraordinary item to be included in the results for the year to June 1, estimated at £22.5 million.

As Smith announced in May, an American/French consortium is to buy its satellite television businesses. The stake in YTV had been included in what was then planned as a £65 million deal.

But the stake has now been left out of the transaction, at the request of the consortium, whose members are believed to have been deterred by the uncertainty surrounding the round of ITV franchise applications.

Apart from seeking to retain its own franchise, YTV is involved in two others, through its stake in Tyne Tees Television and its membership of a consortium that is seeking to displace Granada Television.

Smith will hold on to the YTV stake for the time being, although, with its other television interests gone, a sale looks likely once the confusion surrounding the franchise application is resolved.

Included in the sale are two channels carried on the Astra satellite, Lifestyle and Screensport.

## BUSINESS ROUNDUP

### Chatwani brothers to take Copson private

F COPSON, the former builders' merchant being transformed into a hotels and nursing homes group by the three Chatwani brothers, is being taken private in a £5 million deal. Precipitous (1080), a vehicle owned by the Chatwanis, has bid 38p a share for the 86.4 per cent of Copson they do not own. Expressions of intent to accept the offer have been received from holders of 46.5 per cent of the shares. The bid price represents a 31 per cent premium to the market price on March 15, the dealing day immediately before Copson announced that it was looking at the possibility of an offer. The shares yesterday gained 2p to 36p. Copson produced a pre-tax loss estimate of £2.2 million for the year to end-April £45,000 (profits). No dividend is to be paid for the year (1p).

### Fairey buys LaserMike

FAIREY Group, the engineer and industrial products maker, has bought LaserMike, from Buzell, the paper group, for \$11.5 million. LaserMike, of Ohio, makes a laser non-contact dimensional measurement equipment. Customers include the aerospace industry. In the year to end-December last LaserMike made a \$2.1 million pre-tax profit.

### Edinburgh lifts income

EDINBURGH Oil & Gas, the exploration and production firm, lifted net income from £31,000 to £234,000 in the six months to end-June, helped by onshore production. Earnings rose to 1.35p (0.10p) a share. There is again no interim dividend. Turnover rose to £717,000 (£280,000). Production averaged 213 barrels (116 bbl) of oil-equivalent per day.

### CN&C back in black

CLARKE, Nickolls & Coombs, the property developer, has returned to profit despite making further provisions against declining property values. The company reported pre-tax profits of £72,000 for the six months to end-June, compared with losses of £382,000 for the first half of the previous year. Having made provisions of £8.5 million last year, a further £271,000 has been set aside to cover falling property values and interests in associated companies. Earnings were 0.69p a share, against 0.53p. The interim dividend has been raised from 0.25p a share to 0.30p.

### BAT suffers in Brazil

SOUZA Cruz, the 75 per cent owned Brazilian subsidiary of BAT Industries, reports a net profit of Cr\$3.29 a share in the six months to end-June compared with a net profit of Cr\$50.97 a share previously, after net profits fell from Cr\$15.6 billion (£27.3 million) to Cr\$1 billion.

### Benson increases 3%

PROBLEMS with potato supplies in June and July have resulted in a poor start to the second half at Bensons Crisps, the USM-quoted snacks maker. The company was able to buck the recession in the first half, however, despite consumers trading down to lower margin products, in particular supermarket multi-packs of crisps. Pre-tax profits for the half year to May 25 were ahead by 3 per cent from £304,000 to £312,000. The interim dividend has been raised from 0.6p to 0.7p. The shares rose 1p to 137p.

### CONDITIONS hit Dredging

British Dredging, the aggregates group, fell 7p to 123p when the company said that worse than expected trading conditions will hit its interim figures, due in early September. The company expects to maintain its interim dividend at 2.6p and made pre-tax profits of £1.69 million in the first half last year.

### IN BRIEF

#### Squash to S Africa

THE International Squash Association has accepted a record £100,000 bid from World Squash to hold the 1991 World Cup in Johannesburg.

The acceptance is conditional upon the South African Squash Federation in a 10-day consultation period.

REGULATIONS: Bob McEwan, the British football coach, has been offered a £100,000 contract to coach the Scotland national football team.

FOOTBALL: Ron Eddowes, the former Manchester United player, has been offered a £100,000 contract to coach the Scotland national football team.

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John to W as a C

Squash to S Africa

Have you heard the one about the oil giant, the international electronics empire, the global banking corporation, and the small advertising business?

## Philips Electronics N.V. Philips Group

### Half-Yearly Statement to 30th June 1991

| REPORT ON THE PERFORMANCE OF THE PHILIPS GROUP   |  |        |  |        |  |        |  |        |  |
|--|--|--------|--|--------|--|--------|--|--------|--|
| <p>In the first six months of 1991 sales amounted to £126 billion. On both a nominal and a comparable basis this was 1% less than in the corresponding period of 1990. The decrease on a comparable basis occurred almost entirely in consumer products. Income from operations amounted to £1,334 million (last year £1,013 million). Net income from normal business operations rose to £322 million (last year £143 million). Including an extraordinary item of £1,065 million arising from the sale of our remaining interest in Whirlpool International B.V., net income totalled £1,687 million. Net income in the first six months of 1990 amounted to £1,373 million, which included an extraordinary item of £1,300 million arising from discontinuation of our defense business in Europe.</p> <p><b>Trend per product sector</b><br/>Sales in the Lighting sector rose by 1% on a comparable basis. In the first quarter they fell by 2%. Income from operations declined compared with the first six months of 1990, though in comparison with the second half of 1990 it showed a significant improvement. The business performance improved as a result of the restructuring measures taken and higher sales of halogen lamps and energy-efficient fluorescent lamps.</p> <p>Sales in the Consumer Products sector fell on a comparable basis by 5%. In a declining consumer electronics market there was continuing strong downward pressure on sales prices. This substantially reduced income from operations for the sector as a whole.</p> <p>Sales in the Professional Products and Systems sector amounted to 6% on a comparable basis. Operating income improved significantly, the main reason for this being the increased sales in communication systems and medical systems. The restructuring program which was launched last year in information systems also had an extremely positive impact on income from operations. On a comparable basis, sales in the Components sector were on the same level as in the first six months of 1990. Income from operations in this sector improved considerably, mainly thanks to the restructuring carried out in Semiconductors.</p> |  |        |  |        |  |        |  |        |  |
| <p><b>Geographical trends</b><br/>As a result of the restructuring program implemented in the USA and Canada, income from operations in this region is almost at breakeven, whereas very high losses were suffered in the first six months of 1990. In Europe and Asia there was a slight upturn in income from operations. In Latin America operating income improved in the second quarter of 1991, as a result of which income from operations rose to £1,334 million. The net income in the first six months of the year was at virtually the same level as in the corresponding period of last year.</p> <p><b>Unconsolidated companies</b><br/>The reduction in income from unconsolidated companies is primarily attributable to Super Guip. This company will be included in the consolidated financial statements for 1991.</p> <p><b>Balance sheet ratios</b><br/>Inventories fell by 1% of sales compared with the first six months of 1990. Total liabilities and provisions as a percentage of capital employed fell from 74.6% at year-end 1990 to 72.3% at the end of June 1991.</p> <p><b>Personnel</b><br/>Discounting the effect of changes in consolidations, the number of employees has fallen by 18,000 since January 1, 1991. This decrease is in line with the expected reduction in personnel for 1991 as a whole.</p> <p><b>Outlook</b><br/>We stand by our forecast that the level of our sales will be roughly the same in 1991 as in 1990. The process of restructuring the company, which is fully under way, has resulted in a level of profitability that can be described as encouraging in the light of the unfavourable economic situation. The main way of making any pronouncements about the level of net income for 1991 as a whole.</p> <p><b>Major event after the balance sheet</b><br/>In July an agreement in principle was reached with Digital Equipment Corporation regarding the transfer of most of the activities of our Information Systems division. It is expected that this transaction will be completed by October 1, 1991.</p>  |  |        |  |        |  |        |  |        |  |
| STATEMENTS OF INCOME   |  |        |  |        |  |        |  |        |  |
| Amounts in millions of guilders  |  | 1991   |  | 1990   |  | 1991   |  | 1990   |  |
| Net sales  |  | 13,488 |  | 13,538 |  | 28,091 |  | 26,355 |  |
| Income from operations (excl. restructuring)   |  | 679    |  | 578    |  | 1,384  |  | 1,029  |  |
| Restructuring  |  | -      |  | -      |  | -      |  | -      |  |
| Income from operations   |  | 679    |  | 578    |  | 1,384  |  | 1,029  |  |
| Financial adjustment   |  | 27     |  | 34     |  | 28     |  | -85    |  |
| Financial income and expenses  |  | -289   |  | -425   |  | -778   |  | -788   |  |
| Income before taxes  |  | 376    |  | 164    |  | 576    |  | 149    |  |
| Income taxes   |  | -96    |  | -52    |  | -174   |  | -75    |  |
| Income after taxes   |  | 280    |  | 112    |  | 402    |  | 74     |  |
| Net income   |  | 280    |  | 37     |  | 697    |  | 373    |  |
| Income from operations (excl. restructuring)   |  | 679    |  | 578    |  | 1,384  |  | 1,029  |  |
| Share of other group capital in group income   |  | -43    |  | -31    |  | -95    |  | -65    |  |
| Net income from normal business operations   |  | 187    |  | 37     |  | 322    |  | 43     |  |
| Extraordinary income after taxes   |  | 365    |  | -      |  | 380    |  | 330    |  |
| Net income   |  | 552    |  | 37     |  | 697    |  | 373    |  |
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# Another own goal by the City

Luckless shareholders in TVS now know what the gossip world of showbiz learned weeks ago — that their company has bid £54 million a year for the right to retain its own franchise. That information has been the largest factor behind a collapse in the TVS share price since the sealed bids were made in May. For the feeling among industry analysts is that TVS has offered to pay through the nose and that profits may be badly affected by the size of its bid.

TVS shares were trading between 60p and 65p early in May. Shortly after the bids were in it plunged almost without a break to below 50p and has since bounced along in the low 40s. There has clearly been a leak, and those TVS shareholders who would have sold in May if only they had known what the sellers knew can rightly feel aggrieved. Is the Stock Exchange doing anything in the defence of those shareholders who rely on its role as a policeman? The answer is a depressing negative.

Rudolph Agnew, chairman of TVS, is an old City hand and is well aware of the Stock Exchange

rules on handling price sensitive information. There is absolutely no reason to suppose that TVS or other bidding companies have done anything other than play it by the book. But who knows what took place after the bids were lodged with the Independent Television Commission? Did anyone seriously expect such price sensitive information to remain a closely guarded secret for months?

Without pointing fingers at anyone specific, two things are apparent. One, the arrangements devised for the tender were sloppy in that they have failed to protect the interests of shareholders, and second, that the Stock Exchange might have foreseen the dangers that a false market in TV shares could arise and made more of a fuss, if necessary, in public.

The exchange takes the view that after investigating a possible false market, it has no grounds for further action. Since there has

self-evidently been a leak, the exchange badly needs to cast its net rather more widely, review its procedures or both.

The ITC understandably wished to consider the important aspect of whether offers for the rights to broadcast matched its quality thresholds before the cash details were made public. The listed companies entering the bidding had no alternative but to go along with the rules, which are now assuming shades of a spiv's charter to make a fast buck.

TVS has been allowed to reveal the details of its offer only as part of a circular outlining a wide ranging refinancing package. The rest of the bids remain an official secret, although authoritative reports in the press tell us otherwise. In fact, there is a strong possibility that shareholders in other companies

may also have fared as badly as those in TVS.

Shares in Central TV soared a few weeks ago on reports that it had made a favourably low offer, which is likely to be accepted for lack of a suitable rival. Central shareholders may in due course learn that others have made gains on the back of information to which they had a prime right.

Supporters of self regulation in the City can only avert their gaze from another spectacular own goal and weep.

since Friday lunchtime and retraced almost a third of its heady rise since the Gulf war. The proximate cause of the latest drop appeared to be the July US employment figures, which showed a 51,000 decline in non-farm payrolls instead of the rise of between 30,000 and 100,000 markets had expected. But there have been two other factors that, while less visible, may turn out to be just as important in the long run. The first is the growing evidence that the eastern German economy is bottoming out, as evidenced by yesterday's unexpectedly good news on unemployment. The second is a tentative change in investor psychology about the impact on Germany of broader political developments in the Soviet Union and eastern Europe.

Between them, these factors point to a reversal of the excessively bullish argument trotted out about the dollar in the spring. The fundamental reasons

for questioning the long-term strength of the dollar are macroeconomic. Interest differentials against the US currency are near record levels. The gap is unlikely even to narrow before next year. It may not close in the foreseeable future. The German budget deficit, too, should stabilise as eastern Germany starts to grow, and, assuming the Bundesbank does its duty next week, inflation in Germany should soon be heading downwards. Both budget and inflation trends in America remain more uncertain.

Psychology and politics are equally important. The markets have long exaggerated the threat to Germany's stability from civil unrest in eastern Europe. The fighting in Yugoslavia should no more threaten Germany than the decades of bloodshed in Central America destabilised the United States. The only real threat to Germany could come from the Soviet Union, but there the situation is steadily improving. And if the improvement stalled, the dangers would scarcely be greater for Germany than for the rest of the world.

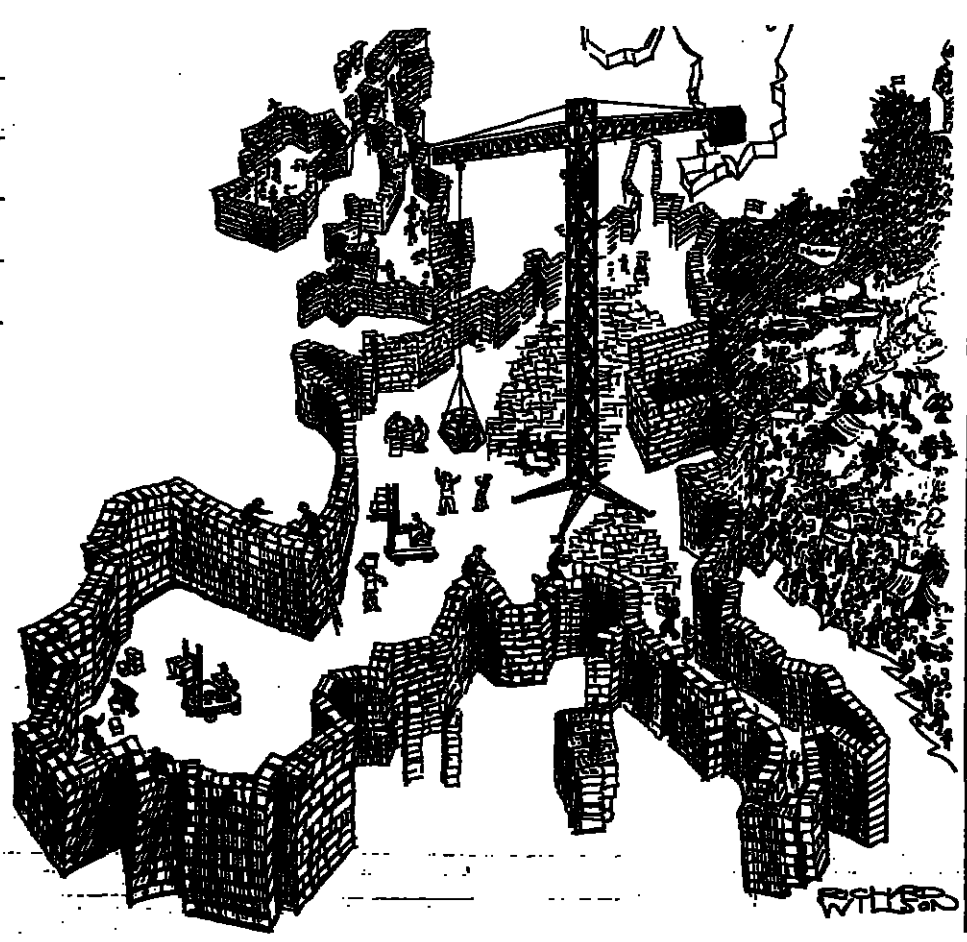
## Dollar upset

What goes up must come down unless its ascent is supported by some genuine fundamental forces. The dollar appears to be a case in point. It has fallen five pennings

# Fortress Europe stands alone

The deadlock over agriculture in the Gatt talks is just one example of EC protectionism in action.

Tom Walker in Brussels finds ample evidence of other barriers



THE European Community's meeting with the United States on the stalled Gatt negotiations last week ended in the usual welter of meaningless platitudes that fill the gap between formal good intentions and bickering reality.

Frans Andriessen, the external relations commissioner, who has become the EC's most adept flanneler, said later that the Americans and the commission had engaged in a highly useful "overall conversation" and that there was a determination "to implement the orientations that have been given".

Stripped of verbiage, this meant little progress had been made on agriculture, the principal subject of the talks. The EC's Common Agricultural Policy remains the biggest hindrance to a new world trade agreement. The tangle of words also illustrates how the EC can become politically bogged down by its protectionist external trade policies.

The US still wants cuts of 70 per cent in farm subsidies and the commission is offering, at best, 30 per cent. These basic bargaining positions have not changed since the Gatt talks broke down in December, despite the controversial reforms proposed by Ray McSharry, the farming commissioner. Prospects for a deal this year still seem remote, despite the concern expressed by Group of Seven leaders at the London summit.

The Community's overt protectionism is causing political friction well beyond Gatt. There, the Community is looking after its farmers to the detriment of the rest of the world; but across the industrial spectrum, the EC is either using or creating policies that complement the fortress Europe in agriculture.

Part of the problem is that the commission has to satisfy 12 member states, which invariably results in policies that protect the most inefficient practices. They are, in

particular, heavily skewed towards the needs of large public sectors, such as that in France.

The commission's plan to continue limiting Japanese car imports until the end of the century is a victory for the French car industry, which now has nine years to try to catch up with the most efficient production techniques.

In consumer electronics, the commission is doing its best to protect stumbling giants such as Philips of the Netherlands and Thomson of France from the best that Japan and America can offer. The ultimate example is its attempt to promote an EC standard in high definition television that will be made by the likes of Philips and Thomson. No matter that the Japanese have already developed the technology.

The commission proposes that European consumers should be forced to buy an interim product from Thomson and Philips, known as D2-MAC, while the two companies work on a full-blown HDTV system called HD-MAC, to be available towards the end of the century.

Filippo Maria Pandolfi, the technology commissioner, has even proposed that the EC pump £500 million into the

Japanese companies to compete in Europe on terms different from those at home. But Japan is not the only trading rival against which Europe is erecting barriers. The commission vigorously defends the state subsidies and guarantees against currency fluctuations given to the Airbus consortium, as it competes against America's Boeing and McDonnell Douglas.

The United States has filed a

complaint to Gatt over Bonn's exchange-rate support for Deutsche Airbus, the Daimler-Benz unit that is the consortium's German partner. While the EC faces high-tech trade threats from Japan and the US, it also has to address the problem of low-tech, but cheap, products from central and eastern Europe. So far, it has managed to limit the EC market for most produce from the former East-bloc with heavy tariffs.

But now that the EC is negotiating association agreements with Poland, Hungary and Czechoslovakia, ostensibly to open trade, it is faced with the problem of telling its would-be partners to hold off.

More than half Poland's exports to the EC comprise coal, steel, textiles and farm produce. The commission has proposed dismantling its quotas on Polish steel over the next five years, provided it does not undercut EC prices. In textiles, the commission, under pressure from Portugal, wants to keep quotas for ten years, and on farm products it has not yet made the Poles an offer. Under these terms, Poland is threatening to pull out of the talks.

A world without protectionism may be little more than a dream and trade analysts say it would be unfair to label the EC the sole perpetrator. But agriculture is different, and the EC will have to improve its offer if the United States is to budge in the Gatt talks.

"Any common sense interpretation tells you there is a deliberate preference for EC producers that goes way beyond the concept of protective frontiers," says a New Zealand Gatt negotiator. "There is no question that the CAP is based on a Fortress Europe."

# BBA sits out recession as practised survivor

BBA Group's management has lived through three recessions and is well practised for the fourth. But it makes no apology for being so closely associated with the automotive industry, arguing that in good times profits roll. Conversely, in bad times they tumble.

Interim results to end-June thus show the scars of a torrid time, with pre-tax profits down from £47.3 million to £26.1 million, after £3.7 million of exceptional costs. At the net level — where the outcome was additionally hurt by a 46 per cent tax charge — earnings were 56 per cent down at 4.4p a share.

The year-on-year comparison is stark, but the recession had been well signalled, and measured against the £27.8 million recorded in the July to December period, the profits slide is far less dramatic.

BBA, which reduced a 61 per cent gearing level to 42 per cent through May's £79 million rights issue at 112p, is cutting costs (including political contributions), has provided £7.6 million as an extraordinary charge to cover further business closures, and is waiting for the economic recovery to dawn.

Only when there have been

revamped management team as of the economic climate generally.

UK activities, which still provide about 55 per cent of group turnover, have been restructured, but it was impossible to shield the hire division from the slump in the construction industry, or to prevent a sharp deterioration in the transport arm's margins. Improvements from storage, boosted by increased occupancy and cost-cutting, and in distribution were thus offset.

The Netherlands did better and France coped well with recession, and TDG's expansion strategy is clearly focused on Europe. It is largely extricated from America, and is contemplating the future of the Australian business.

Balance sheet cash of £30 million and net gearing of 24 per cent, will facilitate some continental bargain-hunting over the next few months, regardless of UK trading prospects, which have still to brighten. TDG will do well to match last year's pre-tax £38.2 million, but the 265p share price, at 15 times earnings, leans heavily on the restructuring, and on the presence of Proventus.

## TEMPUS

## Transport Development

THE changes wrought by Transport Development Group, gingered up by the share purchases of Proventus, the Swedish investor that has 18.5 per cent, may take a little longer to filter through to the bottom line of the profit and loss account, but that is a reflection not so much of the

TALKING BUSINESS NO. 7

"I'm keen to go it alone, but can't find the time to organise it."

THE TIMES CITY DIARY

### Spot check on Europe

TERRY Bannister and Roy Warman, chief operating officers at Saatchi & Saatchi in the late Eighties, are set to take Europe by storm. They have formed a company called Leopard, taken a 30 per cent stake in an advertising group run by Keith Nicklin, and plan to provide marketing services throughout Europe. Bannister, an avid golfer, who was playing in a pro-am tournament at the South Herts golf course yesterday, says: "Leopard was our code word during the negotiations. We were too lazy to change it." Warman, who also enjoys golf, often goes fishing with Nicklin on the Tay... usually without success.

### Sporting life

ARE you good at sport? Fancy a career in law? If the answer to both is "yes", look no

further than Biddle & Co, the City law firm that is going out of its way to live up to its athletic image. Roger Fink, who has just been made partner, is also skilled at running, football and water-skiing. Stephen Stockwell, who rejoins the firm next week after a spell in Australia, is a former Cambridge running blue. Last, but not least, is Martin Winter, venture capital partner and prospective Conservative parliamentary candidate for Tooting, south London, who spends his weekends waterskiing at Thorpe Park, Surrey.

JAMIE Woodward of the Blues and Royals was presented with a case of Laurent Ferrier champagne at Smith's Lawn, Windsor, on Sunday, after being voted HILL Samuel polo player of the month.

### Picture of decline

A PICTURE of how bad the situation is for British farmers has been painted by the UK 200 Group of chartered accountants. More than 90 per cent of 500 farmers surveyed by the group recently believe British farming is in danger of continuous decline. David Turnbull, managing secretary of the UK 200 Group, says: "Farmers are becoming des-

perately concerned at being made victims of economic policies over which they have absolutely no control."

### Half measures

JOB seekers should avoid Monday, be interviewed last and keep an eye on the weather, according to Robert Half, a recruitment specialist who has written a book on the subject. Half says the last name on an interviewer's list is three times as likely to get the job as the first one. "While first impressions are important, last impressions are obviously more lasting," he reasons. Monday is not a good day because most people are under pressure but, oddly, bad weather increases the chances of employment. "Braving the elements in extreme conditions will show eagerness on your part," says Half.

JON ASHWORTH

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## STOCK MARKET

## WORLD MARKETS

## In praise of ICI

Meanwhile British exports are held at ports or have to be

Yours faithfully,  
DR JOHN THUM,  
Chairman,  
The Institute of Export  
Export House  
64 Clifton Street, EC2.

Yours truly,  
CHRISTOPHER  
ALIAGA - KELLY,  
Chancery House,  
Rakehanger,  
Hill Brow,  
Liss,  
Hampshire.

Second, Mr Kaletsky shows a touching faith that the extra £4 billion required by Mac-

Finally, Mr Kaletsky says it is wrong to complain of discrimination against British farming. To take an analogy with another industry, how would it be regarded by larger and more efficient coal mining pits if they were to be forced with only small compensation to reduce production by 15 per cent (for starters) while smaller, uneconomic pits were not only compensated in full for any production cuts but, in the case of the smallest pits, were

**Letters to *The Times* Business and Finance section can be sent by fax on 071-782 5112.**

Some securities houses have upgraded their projected FTSE forecasts in the wake of the record-breaking run enjoyed by London markets recently. John Reynolds, at County NatWest, said there had been a rerating of the market. He said: "Confidence in the inflation figure has improved." Mr Reynolds expects 4 to 4½ per cent.

**TVS ENTERTAINMENT: FIRST HALF LOSS EXPECTED**

Source: Datastream

FT all-share index (released)

Share price

Aug Sep Oct Nov Dec Jan Feb Mar Apr May Jun Jul Aug

TVS

1,999.4. With the holiday season well into swing, volumes remained depressed.

Fears about their restructuring plans being shelved hit Hawker Siddeley hard, with the shares falling 18p to 579p, although volume reached only 409,000 shares.

Elsewhere, shares in TVS Entertainment fell 3p to 40p after confirmation that it had bid £54.1 million for the south of England television fran-

Kent commercial radio station, jumped 12p to 90p.

The construction industry continued in the doldrums. The latest gloomy survey spotlighted Costain, which fell 6p to 135p, Taylor Woodrow off 5p to 225p and George Wimpey 2p lower at 177p. An analyst's sell recommendation knocked Rugby Group 5p lower to 178p. Bine Circle lost 1p to 265p and RMC Group ended 10p lower at 656p.

**PHILIP PANGALOS**

topic. The Nikkei index av-

[illegible]

**THE TIMES**  
INFORMATION  
GON 071-481 1982

## TRADITIONAL OPTIONS

5th August 1991

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|     |              |     |         |      |     |     |
|-----|--------------|-----|---------|------|-----|-----|
| 251 | Anglin Water | 358 | 364 0-J | 23.3 | 8.4 | 7.9 |
| 256 | Northumbria  | 359 | 364 0-  | 24.8 | 8.8 | 5.2 |



## 26

[illegible]

## MONEY MARKETS

| Year | State | County   | Area  | Year | State | County   | Area  |
|------|-------|----------|-------|------|-------|----------|-------|
| 1991 | Ill.  | Franklin | 1,000 | 1991 | Ill.  | Franklin | 1,000 |
| 1992 | Ill.  | Franklin | 1,000 | 1992 | Ill.  | Franklin | 1,000 |
| 1993 | Ill.  | Franklin | 1,000 | 1993 | Ill.  | Franklin | 1,000 |
| 1994 | Ill.  | Franklin | 1,000 | 1994 | Ill.  | Franklin | 1,000 |
| 1995 | Ill.  | Franklin | 1,000 | 1995 | Ill.  | Franklin | 1,000 |
| 1996 | Ill.  | Franklin | 1,000 | 1996 | Ill.  | Franklin | 1,000 |
| 1997 | Ill.  | Franklin | 1,000 | 1997 | Ill.  | Franklin | 1,000 |
| 1998 | Ill.  | Franklin | 1,000 | 1998 | Ill.  | Franklin | 1,000 |
| 1999 | Ill.  | Franklin | 1,000 | 1999 | Ill.  | Franklin | 1,000 |
| 2000 | Ill.  | Franklin | 1,000 | 2000 | Ill.  | Franklin | 1,000 |
| 2001 | Ill.  | Franklin | 1,000 | 2001 | Ill.  | Franklin | 1,000 |
| 2002 | Ill.  | Franklin | 1,000 | 2002 | Ill.  | Franklin | 1,000 |
| 2003 | Ill.  | Franklin | 1,000 | 2003 | Ill.  | Franklin | 1,000 |
| 2004 | Ill.  | Franklin | 1,000 | 2004 | Ill.  | Franklin | 1,000 |
| 2005 | Ill.  | Franklin | 1,000 | 2005 | Ill.  | Franklin | 1,000 |
| 2006 | Ill.  | Franklin | 1,000 | 2006 | Ill.  | Franklin | 1,000 |
| 2007 | Ill.  | Franklin | 1,000 | 2007 | Ill.  | Franklin | 1,000 |
| 2008 | Ill.  | Franklin | 1,000 | 2008 | Ill.  | Franklin | 1,000 |
| 2009 | Ill.  | Franklin | 1,000 | 2009 | Ill.  | Franklin | 1,000 |
| 2010 | Ill.  | Franklin | 1,000 | 2010 | Ill.  | Franklin | 1,000 |
| 2011 | Ill.  | Franklin | 1,000 | 2011 | Ill.  | Franklin | 1,000 |
| 2012 | Ill.  | Franklin | 1,000 | 2012 | Ill.  | Franklin | 1,000 |
| 2013 | Ill.  | Franklin | 1,000 | 2013 | Ill.  | Franklin | 1,000 |
| 2014 | Ill.  | Franklin | 1,000 | 2014 | Ill.  | Franklin | 1,000 |
| 2015 | Ill.  | Franklin | 1,000 | 2015 | Ill.  | Franklin | 1,000 |
| 2016 | Ill.  | Franklin | 1,000 | 2016 | Ill.  | Franklin | 1,000 |
| 2017 | Ill.  | Franklin | 1,000 | 2017 | Ill.  | Franklin | 1,000 |
| 2018 | Ill.  | Franklin | 1,000 | 2018 | Ill.  | Franklin | 1,000 |
| 2019 | Ill.  | Franklin | 1,000 | 2019 | Ill.  | Franklin | 1,000 |
| 2020 | Ill.  | Franklin | 1,000 | 2020 | Ill.  | Franklin | 1,000 |

| STERLING SPOT AND FORWARD RATES |                 |                 |             |              |          |
|---------------------------------|-----------------|-----------------|-------------|--------------|----------|
|                                 | Range           | Close           | 1 month     | 3 months     | 6 months |
| Mit Rates for Aug 5             |                 |                 |             |              |          |
| Amsterdam                       | 3.9089-3.9173   | 3.9101-3.9138   | 14-Apr      | 24-Apr       | 24-Apr   |
| Brussels                        | 60.35-60.37     | 60.38-60.58     | 12-Apr      | 16-Apr       | 16-Apr   |
| Copenhagen                      | 11.9888-11.9928 | 11.9888-11.9978 | 19-Apr      | 19-Apr       | 4-May    |
| Frankfurt                       | 1.0888-1.0907   | 1.0888-1.0907   | 19-Apr      | 19-Apr       | 19-Apr   |
| London                          | 2.9373-2.9429   | 2.9385-2.9429   | 4-Apr       | 11-Apr       | 11-Apr   |
| Lisbon                          | 251.18-252.25   | 251.18-252.18   | 11-Apr      | 11-Apr       | 28-Apr   |
| Madrid                          | 1.0888-1.0907   | 1.0888-1.0907   | 19-Apr      | 19-Apr       | 19-Apr   |
| Milan                           | 2194.75-2202.50 | 2198.20-2202.50 | 1-Apr       | 4-Apr        | 4-Apr    |
| Montreal                        | 1.5435-1.5671   | 1.5435-1.5671   | 1-Apr       | 1-Apr        | 1-Apr    |
| New York                        | 1.0888-1.0907   | 1.0888-1.0907   | 19-Apr      | 19-Apr       | 19-Apr   |
| Osaka                           | 11.9711-11.9871 | 11.9811-11.9851 | 11-Apr      | 11-Apr       | 11-Apr   |
| Paris                           | 1.0888-1.0907   | 1.0888-1.0907   | 19-Apr      | 19-Apr       | 19-Apr   |
| Rio de Janeiro                  | 10.6525-10.6618 | 10.6525-10.6618 | 19-Apr      | 19-Apr       | 19-Apr   |
| Tokyo                           | 223.24-223.94   | 223.24-223.71   | 11-Apr      | 11-Apr       | 21-Apr   |
| Vienna                          | 252.08-252.85   | 252.08-252.85   | 11-Apr      | 11-Apr       | 11-Apr   |
| Zurich                          | 2.5231-2.5244   | 2.5231-2.5244   | 11-Apr      | 11-Apr       | 11-Apr   |
| Source: <i>Enfin</i>            |                 |                 | Premium = + | Discount = - |          |

| MONEY RATES (%)   |         |          |          |        |         |
|---|---------|----------|----------|--------|---------|
|   | 1 month | 3 months | 6 months | 1 year | 2 years |
| Base Rates: Clearing Banks 11 Finance Hqs 11%   |         |          |          |        |         |
| Discount Market: Lend/Credit Night 11% Low 11 Week bid 10 1/2                         |         |          |          |        |         |
| Treasury Bills (Maturity): 2 mth 10 1/2 3 mth 10 1/2 Sec 2 mth 10 1/2 3 mth 10 1/2    |         |          |          |        |         |
| Prime Bank Bills (Days): 1 month 10 1/2 3 months 10 1/2 6 months 10 1/2 1 year 10 1/2 |         |          |          |        |         |
| Bank of America: 11 1/2 10 1/2 10 1/2 10 1/2 10 1/2                                   |         |          |          |        |         |
| Interbank: 11 1/2 11 10 10 10 10 10 1/2 10 1/2 10 1/2                                 |         |          |          |        |         |
| (Overnight) open 11, close 12   |         |          |          |        |         |
| Commercial Paper: 9 1/2 9 1/2 9 1/2 9 1/2 9 1/2                                       |         |          |          |        |         |
| Banking CDs: 5.05-5.20 5.05-5.20 5.05-5.20 5.05-5.20 5.05-5.20                        |         |          |          |        |         |
| Building Society CDs: 11 1/2 10 1/2 11 10 10 10 10 10 1/2 10 1/2 10 1/2               |         |          |          |        |         |

| EUROPEAN MONEY DEPOSITS (%) |        |          |          |        |         |
|-----------------------------|--------|----------|----------|--------|---------|
|                             | 1 year | 3 months | 6 months | 1 year | 2 years |
| Germany                     | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| France                      | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| Denmark                     | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| Netherlands                 | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| Switzerland                 | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| Italy                       | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| Spain                       | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| Portugal                    | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| Greece                      | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| Belgium                     | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| Austria                     | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| Sweden                      | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| Finland                     | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| Denmark                     | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| Netherlands                 | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| Italy                       | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| Spain                       | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| Portugal                    | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| Greece                      | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| Belgium                     | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| Austria                     | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| Sweden                      | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| Finland                     | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |
| Denmark                     | 9 1/2  | 9 1/2    | 9 1/2    | 9 1/2  | 9 1/2   |

| GOLD AND PRECIOUS METALS  |  |  |  |  |  |
|---|--|--|--|--|--|
| (Quoted in \$)  |  |  |  |  |  |
| Bullion: Open \$358.00-357.10 Close: \$358.00-358.00 High: \$357.00-357.50 Low: \$354.50-355.00 |  |  |  |  |  |
| Commodities: \$356.00-357.00 \$356.00-357.00 \$356.00-357.00 \$356.00-357.00                    |  |  |  |  |  |
| Sovereigns: Oct \$38.50-41.50 (24.00-50.00) Nov \$38.25-41.25 (24.75-45.75)                     |  |  |  |  |  |

| OTHER STERLING RATES |                 | DOLLAR SPOT RATES |               |
|----------------------|-----------------|-------------------|---------------|
| Argentina austral    | 16022.8-16068.1 | Australia         | 1.2359-1.24   |
| Australia dollar     | 2.1892-2.1902   | Austria           | 12.12-12.14   |
| Bahrain dir          | 0.634-0.642     | Belgium (Com)     | 35.52-35.54   |
| Bangladesh taka      | 55.85-56.23     | Brazil cruzeiro   | 1.2745-1.275  |
| Cyprus pound         | 0.20-0.21       | Canada dollar     | 0.7150-0.7151 |
| Egypt pound          | 7.05-7.11       | France            | 5.8539-5.854  |
| Greena drachma       | 35.82-36.23     | Germany           | 1.7245-1.7247 |
| Hong Kong dollar     | 13.2281-13.2287 | Hong Kong         | 7.7513-7.7514 |
| Indian rupee         | 43.41-43.61     | Ireland           | 1.2470-1.2471 |
| Israeli new KD       |                 | Italy             | 1.36-1.36     |
| Malaysia ringgit     | 4.7424-4.7470   | Japan             | 138.30-138.31 |
| Mexico peso          | 5120-5220       | Malaysia          | 2.7623-2.7624 |
| New Zealand dollar   | 0.62-0.62       | Netherlands       | 2.06-2.06     |
| Saudi Arabia riyal   | 5.3575-5.3575   | Norway            | 0.7770-0.7781 |
| Singapore dollar     | 2.2015-2.2472   | Portugal          | 147.30-147.31 |
| Sri Lanka (lfr)      | 12.70-12.75     | Spain             | 167.25-167.25 |
| S Africa rand (com)  | 4.7594-4.8585   | Spain             | 107.05-107.05 |
| U A E dirham         | 6.1775-6.5755   | Sweden            | 8.2550-8.2551 |
| Switzerland 675/-    | 1.05-1.05       | Switzerland       | 1.5010-1.5011 |

ECGDs Fixed Rate Sterling Export Finance, Make-up day: July 31, 1991 Agency: 11.25%, 12.25%, 13.25%, 14.25%, 15.25%, 16.25%, 17.25%, 18.25%, 19.25%, 20.25%, 21.25%, 22.25%, 23.25%, 24.25%, 25.25%, 26.25%, 27.25%, 28.25%, 29.25%, 30.25%, 31.25%, 32.25%, 33.25%, 34.25%, 35.25%, 36.25%, 37.25%, 38.25%, 39.25%, 40.25%, 41.25%, 42.25%, 43.25%, 44.25%, 45.25%, 46.25%, 47.25%, 48.25%, 49.25%, 50.25%, 51.25%, 52.25%, 53.25%, 54.25%, 55.25%, 56.25%, 57.25%, 58.25%, 59.25%, 60.25%, 61.25%, 62.25%, 63.25%, 64.25%, 65.25%, 66.25%, 67.25%, 68.25%, 69.25%, 70.25%, 71.25%, 72.25%, 73.25%, 74.25%, 75.25%, 76.25%, 77.25%, 78.25%, 79.25%, 80.25%, 81.25%, 82.25%, 83.25%, 84.25%, 85.25%, 86.25%, 87.25%, 88.25%, 89.25%, 90.25%, 91.25%, 92.25%, 93.25%, 94.25%, 95.25%, 96.25%, 97.25%, 98.25%, 99.25%, 100.25%, 101.25%, 102.25%, 103.25%, 104.25%, 105.25%, 106.25%, 107.25%, 108.25%, 109.25%, 110.25%, 111.25%, 112.25%, 113.25%, 114.25%, 115.25%, 116.25%, 117.25%, 118.25%, 119.25%, 120.25%, 121.25%, 122.25%, 123.25%, 124.25%, 125.25%, 126.25%, 127.25%, 128.25%, 129.25%, 130.25%, 131.25%, 132.25%, 133.25%, 134.25%, 135.25%, 136.25%, 137.25%, 138.25%, 139.25%, 140.25%, 141.25%, 142.25%, 143.25%, 144.25%, 145.25%, 146.25%, 147.25%, 148.25%, 149.25%, 150.25%, 151.25%, 152.25%, 153.25%, 154.25%, 155.25%, 156.25%, 157.25%, 158.25%, 159.25%, 160.25%, 161.25%, 162.25%, 163.25%, 164.25%, 165.25%, 166.25%, 167.25%, 168.25%, 169.25%, 170.25%, 171.25%, 172.25%, 173.25%, 174.25%, 175.25%, 176.25%, 177.25%, 178.25%, 179.25%, 180.25%, 181.25%, 182.25%, 183.25%, 184.25%, 185.25%, 186.25%, 187.25%, 188.25%, 189.25%, 190.25%, 191.25%, 192.25%, 193.25%, 194.25%, 195.25%, 196.25%, 197.25%, 198.25%, 199.25%, 200.25%, 201.25%, 202.25%, 203.25%, 204.25%, 205.25%, 206.25%, 207.25%, 208.25%, 209.25%, 210.25%, 211.25%, 212.25%, 213.25%, 214.25%, 215.25%, 216.25%, 217.25%, 218.25%, 219.25%, 220.25%, 221.25%, 222.25%, 223.25%, 224.25%, 225.25%, 226.25%, 227.25%, 228.25%, 229.25%, 230.25%, 231.25%, 232.25%, 233.25%, 234.25%, 235.25%, 236.25%, 237.25%, 238.25%, 239.25%, 240.25%, 241.25%, 242.25%, 243.25%, 244.25%, 245.25%, 246.25%, 247.25%, 248.25%, 249.25%, 250.25%, 251.25%, 252.25%, 253.25%, 254.25%, 255.25%, 256.25%, 257.25%, 258.25%, 259.25%, 260.25%, 261.25%, 262.25%, 263.25%, 264.25%, 265.25%, 266.25%, 267.25%, 268.25%, 269.25%, 270.25%, 271.25%, 272.25%, 273.25%, 274.25%, 275.25%, 276.25%, 277.25%, 278.25%, 279.25%, 280.25%, 281.25%, 282.25%, 283.25%, 284.25%, 285.25%, 286.25%, 287.25%, 288.25%, 289.25%, 290.25%, 291.25%, 292.25%, 293.25%, 294.25%, 295.25%, 296.25%, 297.25%, 298.25%, 299.25%, 300.25%, 301.25%, 302.25%, 303.25%, 304.25%, 305.25%, 306.25%, 307.25%, 308.25%, 309.25%, 310.25%, 311.25%, 312.25%, 313.25%, 314.25%, 315.25%, 316.25%, 317.25%, 318.25%, 319.25%, 320.25%, 321.25%, 322.25%, 323.25%, 324.25%, 325.25%, 326.25%, 327.25%, 328.25%, 329.25%, 330.25%, 331.25%, 332.25%, 333.25%, 334.25%, 335.25%, 336.25%, 337.25%, 338.25%, 339.25%, 340.25%, 341.25%, 342.25%, 343.25%, 344.25%, 345.25%, 346.25%, 347.25%, 348.25%, 349.25%, 350.25%, 351.25%, 352.25%, 353.25%, 354.25%, 355.25%, 356.25%, 357.25%, 358.25%, 359.25%, 360.25%, 361.25%, 362.25%, 363.25%, 364.25%, 365.25%, 366.25%, 367.25%, 368.25%, 369.25%, 370.25%, 371.25%, 372.25%, 373.25%, 374.25%, 375.25%, 376.25%, 377.25%, 378.25%, 379.25%, 380.25%, 381.25%, 382.25%, 383.25%, 384.25%, 385.25%, 386.25%, 387.25%, 388.25%, 389.25%, 390.25%, 391.25%, 392.25%, 393.25%, 394.25%, 395.25%, 396.25%, 397.25%, 398.25%, 399.25%, 400.25%, 401.25%, 402.25%, 403.25%, 404.25%, 405.25%, 406.25%, 407.25%, 408.25%, 409.25%, 410.25%, 411.25%, 412.25%, 413.25%, 414.25%, 415.25%, 416.25%, 417.25%, 418.25%, 419.25%, 420.25%, 421.25%, 422.25%, 423.25%, 424.25%, 425.25%, 426.25%, 427.25%, 428.25%, 429.25%, 430.25%, 431.25%, 432.25%, 433.25%, 434.25%, 435.25%, 436.25%, 437.25%, 438.25%, 439.25%, 440.25%, 441.25%, 442.25%, 443.25%, 444.25%, 445.25%, 446.25%, 447.25%, 448.25%, 449.25%, 450.25%, 451.25%, 452.25%, 453.25%, 454.25%, 455.25%, 456.25%, 457.25%, 458.25%, 459.25%, 460.25%, 461.25%, 462.25%, 463.25%, 464.25%, 465.25%, 466.25%, 467.25%, 468.25%, 469.25%, 470.25%, 471.25%, 472.25%, 473.25%, 474.25%, 475.25%, 476.25%, 477.25%, 478.25%, 479.25%, 480.25%, 481.25%, 482.25%, 483.25%, 484.25%, 485.25%, 486.25%, 487.25%, 488.25%, 489.25%, 490.25%, 491.25%, 492.25%, 493.25%, 494.25%, 495.25%, 496.25%, 497.25%, 498.25%, 499.25%, 500.25%, 501.25%, 502.25%, 503.25%, 504.25%, 505.25%, 506.25%, 507.25%, 508.25%, 509.25%, 510.25%, 511.25%, 512.25%, 513.25%, 514.25%, 515.25%, 516.25%, 517.25%, 518.25%, 519.25%, 520.25%, 521.25%, 522.25%, 523.25%, 524.25%, 525.25%, 526.25%, 527.25%, 528.25%, 529.25%, 530.25%, 531.25%, 532.25%, 533.25%, 534.25%, 535.25%, 536.25%, 537.25%, 538.25%, 539.25%, 540.25%, 541.25%, 542.25%, 543.25%, 544.25%, 545.25%, 546.25%, 547.25%, 548.25%, 549.25%, 550.25%, 551.25%, 552.25%, 553.25%, 554.25%, 555.25%, 556.25%, 557.25%, 558.25%, 559.25%, 560.25%, 561.25%, 562.25%, 563.25%, 564.25%, 565.25%, 566.25%, 567.25%, 568.25%, 569.25%, 570.25%, 571.25%, 572.25%, 573.25%, 574.25%, 575.25%, 576.25%, 577.25%, 578.25%, 579.25%, 580.25%, 581.25%, 582.25%, 583.25%, 584.25%, 585.25%, 586.25%, 587.25%, 588.25%, 589.25%, 590.25%, 591.25%, 592.25%, 593.25%, 594.25%, 595.25%, 596.25%, 597.25%, 598.25%, 599.25%, 600.25%, 601.25%, 602.25%, 603.25%, 604.25%, 605.25%, 606.25%, 607.25%, 608.25%, 609.25%, 610.25%, 611.25%, 612.25%, 613.25%, 614.25%, 615.25%, 616.25%, 617.25%, 618.25%, 619.25%, 620.25%, 621.25%, 622.25%, 623.25%, 624.25%, 625.25%, 626.25%, 627.25%, 628.25%, 629.25%, 630.25%, 631.25%, 632.25%, 633.25%, 634.25%, 635.25%, 636.25%, 637.25%, 638.25%, 639.25%, 640.25%, 641.25%, 642.25%, 643.25%, 644.25%, 645.25%, 646.25%, 647.25%, 648.25%, 649.25%, 650.25%, 651.25%, 652.25%, 653.25%, 654.25%, 655.25%, 656.25%, 657.25%, 658.25%, 659.25%, 660.25%, 661.25%, 662.25%, 663.25%, 664.25%, 665.25%, 666.25%, 667.25%, 668.25%, 669.25%, 670.25%, 671.25%, 672.25%, 673.25%, 674.25%, 675.25%, 676.25%, 677.25%, 678.25%, 679.25%, 680.25%, 681.25%, 682.25%, 683.25%, 684.25%, 685.25%, 686.25%, 687.25%, 688.25%, 689.25%, 690.25%, 691.25%, 692.25%, 693.25%, 694.25%, 695.25%, 696.25%, 697.25%, 698.25%, 699.25%, 700.25%, 701.25%, 702.25%, 703.25%, 704.25%, 705.25%, 706.25%, 707.25%, 708.25%, 709.25%, 710.25%, 711.25%, 712.25%, 713.25%, 714.25%, 715.25%, 716.25%, 717.25%, 718.25%, 719.25%, 720.25%, 721.25%, 722.25%, 723.25%, 724.25%, 725.25%, 726.25%, 727.25%, 728.25%, 729.25%, 730.25%, 731.25%, 732.25%, 733.25%, 734.25%, 735.25%, 736.25%, 737.25%, 738.25%, 739.25%, 740.25%, 741.25%, 742.25%, 743.25%, 744.25%, 745.25%, 746.25%, 747.25%, 748.25%, 749.25%, 750.25%, 751.25%, 752.25%, 753.25%, 754.25%, 755.25%, 756.25%, 757.25%, 758.25%, 759.25%, 760.25%, 761.25%, 762.25%, 763.25%, 764.25%, 765.25%, 766.25%, 767.25%, 768.25%, 769.25%, 770.25%, 771.25%, 772.25%, 773.25%, 774.25%, 775.25%, 776.25%, 777.25%, 778.25%, 779.25%, 780.25%, 781.25%, 782.25%, 783.25%, 784.25%, 785.25%, 786.25%, 787.25%, 788.25%, 789.25%, 790.25%, 791.25%, 792.25%, 793.25%, 794.25%, 795.25%, 796.25%, 797.25%, 798.25%, 799.25%, 800.25%, 801.25%, 802.25%, 803.25%, 804.25%, 805.25%, 806.25%, 807.25%, 808.25%, 809.25%, 810.25%, 811.25%, 812.25%, 813.25%, 814.25%, 815.25%, 816.25%, 817.25%, 818.25%, 819.25%, 820.25%, 821.25%, 822.25%, 823.25%, 824.25%, 825.25%, 826.25%, 827.25%, 828.25%, 829.25%, 830.25%, 831.25%, 832.25%, 833.25%, 834.25%, 835.25%, 836.25%, 837.25%, 838.25%, 839.25%, 840.25%, 841.25%, 842.25%, 843.25%, 844.25%, 845.25%, 846.25%, 847.25%, 848.25%, 849.25%, 850.25%, 851.25%, 852.25%, 853.25%, 854.25%, 855.25%, 856.25%, 857.25%, 858.25%, 859.25%, 860.25%, 861.25%, 862.25%, 863.25%, 864.25%, 865.25%, 866.25%, 867.25%, 868.25%, 869.25%, 870.25%, 871.25%, 872.25%, 873.25%, 874.25%, 875.25%, 876.25%, 877.25%, 878.25%, 879.25%, 880.25%, 881.25%, 882.25%, 883.25%, 884.25%, 885.25%, 886.25%, 887.25%, 888.25%, 889.25%, 890.25%, 891.25%, 892.25%, 893.25%, 894.25%, 895.25%, 896.25%, 897.25%, 898.25%, 899.25%, 900.25%, 901.25%, 902.25%, 903.25%, 904.25%, 905.25%, 906.25%, 907.25%, 908.25%, 909.25%, 910.25%, 911.25%, 912.25%, 913.25%, 914.25%, 915.25%, 916.25%, 917.25%, 918.25%, 919.25%, 920.25%, 921.25%, 922.25%, 923.25%, 924.25%, 925.25%, 926.25%, 927.25%, 928.25%, 929.25%, 930.25%, 931.25%, 932.25%, 933.25%, 934.25%, 935.25%, 936.25%, 937.25%, 938.25%, 939.25%, 940.25%, 941.25%, 942.25%, 943.25%, 944.25%, 945.25%, 946.25%, 947.25%, 948.25%, 949.25%, 950.25%, 951.25%, 952.25%, 953.25%, 954.25%, 955.25%, 956.25%, 957.25%, 958.25%, 959.25%, 960.25%, 961.25%, 962.25%, 963.25%, 964.25%, 965.25%, 966.25%, 967.25%, 968.25%, 969.25%, 970.25%, 971.25%, 972.25%, 973.25%, 974.25%, 975.25%, 976.25%, 977.25%, 978.25%, 979.25%, 980.25%, 981.25%, 982.25%, 983.25%, 984.25%, 985.25%, 986.25%, 987.25%, 988.25%, 989.25%, 990.25%, 991.25%, 992.25%, 993.25%, 994.25%, 995.25%, 996.25%, 997.25%, 998.25%, 999.25%, 1000.25%, 1001.25%, 1002.25%, 1003.25%, 1004.25%, 1005.25%, 1006.25%, 1007.25%, 1008.25%, 1009.25%, 1010.25%, 1011.25%, 1012.25%, 1013.25%, 1014.25%, 1015.25%, 1016.25%, 1017.25%, 1018.25%, 1019.25%, 1020.25%, 1021.25%, 1022.25%, 1023.25%, 1024.25%, 1025.25%, 1026.25%, 1027.25%, 1028.25%, 1029.25%, 1030.25%, 1031.25%, 1032.25%, 1033.25%, 1034.25%, 1035.25%, 1036.25%, 1037.25%, 1038.25%, 1039.25%, 1040.25%, 1041.25%, 1042.25%, 1043.25%, 1044.25%, 1045.25%, 1046.25%, 1047.25%, 1048.25%, 1049.25%, 1050.25%, 1051.25%, 1052.25%, 1053.25%, 1054.25%, 1055.25%, 1056.25%, 1057.25%, 1058.25%, 1059.25%, 1060.25%, 1061.25%, 1062.25%, 1063.25%, 1064.25%, 1065.25%, 1066.25%, 1067.25%, 1068.25%, 1069.25%, 1070.25%, 1071.25%, 1072.25%, 1073.25%, 1074.25%, 1075.25%, 1076.25%, 1077.25%, 1078.25%, 1079.25%, 1080.25%, 1081.25%, 1082.25%, 1083.25%, 1084.25%, 1085.25%, 1086.25%, 1087.25%, 1088.25%, 1089.25%, 1090.25%, 1091.25%, 1092.25%, 1093.25%, 1094.25%, 1095.25%, 1096.25%, 1097.25%, 1098.25%, 1099.25%, 1100.25%, 1101.25%, 1102.25%, 1103.25%, 1104.25%, 1105.25%, 1106.25%, 1107.25%, 1108.25%, 1109.25%, 1110.25%, 1111.25%, 1112.25%, 1113.25%, 1114.25%, 1115.25%, 1116.25%, 1117.25%, 1118.25%, 1119.25%, 1120.25%, 1121.25%, 1122.25%, 1123.25%, 1124.25%, 1125.25%, 1126.25%, 1127.25%, 1128.25%, 1129.25%, 1130.25%, 1131.25%, 1132.25%, 1133.25%, 1134.25%, 1135.25%, 1136.25%, 1137.25%, 1138.25%, 1139.25%, 1140.25%, 1141.25%, 1142.25%, 1143.25%, 1144.25%, 1145.25%, 1146.25%, 1147.25%, 1148.25%, 1149.25%, 1150.25%, 1151.25%, 1152.25%, 1153.25%, 1154.25%, 1155.25%, 1156.25%, 1157.25%, 1158.25%, 1159.25%, 1160.25%, 1161.25%, 1162.25%, 1163.25%, 1164.25%, 1165.25%, 1166.25%, 1167.25%, 1168.25%, 1169.25%, 1170.25%, 1171.25%, 1172.25%, 1173.25%, 1174.25%, 1175.25%, 1176.25%, 1177.25%, 1178.25%, 1179.25%, 1180.25%, 1181.25%, 1182.25%, 1183.25%, 1184.25%, 1185.25%, 1186.25%, 1187.25%, 1188.25%, 1189.25%, 1190.25%, 1191.25%, 1192.25%, 1193.25%, 1194.25%, 1195.25%, 1196.25%, 1197.25%, 1198.25%, 1199.25%, 1200.25%, 1201.25%, 1202.25%, 1203.25%, 1204.25%, 1205.25%, 1206.25%, 1207.25%, 1208.25%, 1209.25%, 1210.25%, 1211.25%, 1212.25%, 1213.25%, 1214.25%, 1215.25%, 1216.25%, 1217.25%, 1218.25%, 1219.25%, 1220.25%, 1221.25%, 1222.25%, 1223.25%, 1224.25%, 1225.25%, 1226.25%, 1227.25%, 1228.25%, 1229.25%, 1230.25%, 1231.25%, 1232.25%, 1233.25%, 1234.25%, 1235.25%, 1236.25%, 1237.25%, 1238.25%, 1239.25%, 1240.25%, 1241.25%, 1242.25%, 1243.25%, 1244.25%, 1245.25%, 1246.25%, 1247.25%, 1248.25%, 1249.25%, 1250.25%, 1251.25%, 1252.25%, 1253.25%, 1254.25%, 1255.25%, 1256.25%, 1257.25%, 1258.25%, 1259.25%, 1260.25%, 1261.25%, 1262.25%, 1263.25%, 1264.25%, 1265.25%, 1266.25%, 1267.25%, 1268.25%, 1269.25%, 1270.25%, 1271.25%, 1272.25%, 1273.25%, 1274.25%, 1275.25%, 1276.25%, 1277.25%, 1278.25%, 1279.25%, 1280.25%, 1281.25%, 1282.25%, 1283.25%, 1284.25%, 1285.25%, 1286.25%, 1287.25%, 1288.25%, 1289.25%, 1290.25%, 1291.25%, 1292.25%, 1293.25%, 1294.25%, 1295.25%, 1296.25%, 1297.25%, 1298.25%, 1299.25%, 1300.25%, 1301.25%, 1302.25%, 1303.25%, 1304.25%, 1305.25%, 1306.25%, 1307.25%, 1308.25%, 1309.25%, 1310.25%, 1311.25%, 1312.25%, 1313.25%, 1314.25%, 1315.25%, 1316.25%, 1317.25%, 1318.25%, 1319.25%, 1320.25%, 1321.25%, 1322.25%, 1323.25%, 1324.25%, 1325.25%, 1326.25%, 1327.25%, 1328.25%, 1329.25%, 1330.25%, 1331.25%, 1332.25%, 1333.25%, 1334.25%, 1335.25%, 1336.25%, 1337.25%, 1338.25%, 1339.25%, 1340.25%, 1341.25%, 1342.25%, 1343.25%, 1344.25%, 1345.25%, 1346.25%, 1347.25%, 1348.25%, 1349.25%, 1350.25%, 1351.25%, 1352.25%, 1353.25%, 1354.25%, 1355.25%, 1356.25%, 1357.25%, 1358.25%, 1359.25%, 1360.25%, 1361.25%, 1362.25%, 1363.25%, 1364.25%, 1365.25%, 1366.25%, 1367.25%, 1368.25%, 1369.25%, 1370.25%, 1371.25%, 1372.25%, 1373.25%, 1374.25%, 1375.25%, 1376.25%, 1377.25%, 1378.25%, 1379.25%, 1380.25%, 1381.25%, 1382.25%, 1383.25%, 1384.25%, 1385.25%, 1386.25%, 1387.25%, 1388.25%, 1389

## COMMODITIES

| 1991 | 1990 | 1989 | 1988 | 1987 | 1986 | 1985 | 1984 | 1983 | 1982 | 1981 | 1980 | 1979 | 1978 | 1977 | 1976 | 1975 | 1974 | 1973 | 1972 | 1971 | 1970 | 1969 | 1968 | 1967 | 1966 | 1965 | 1964 | 1963 | 1962 | 1961 | 1960 | 1959 | 1958 | 1957 | 1956 | 1955 | 1954 | 1953 | 1952 | 1951 | 1950 | 1949 | 1948 | 1947 | 1946 | 1945 | 1944 | 1943 | 1942 | 1941 | 1940 | 1939 | 1938 | 1937 | 1936 | 1935 | 1934 | 1933 | 1932 | 1931 | 1930 | 1929 | 1928 | 1927 | 1926 | 1925 | 1924 | 1923 | 1922 | 1921 | 1920 | 1919 | 1918 | 1917 | 1916 | 1915 | 1914 | 1913 | 1912 | 1911 | 1910 | 1909 | 1908 | 1907 | 1906 | 1905 | 1904 | 1903 | 1902 | 1901 | 1900 | 1899 | 1898 | 1897 | 1896 | 1895 | 1894 | 1893 | 1892 | 1891 | 1890 | 1889 | 1888 | 1887 | 1886 | 1885 | 1884 | 1883 | 1882 | 1881 | 1880 | 1879 | 1878 | 1877 | 1876 | 1875 | 1874 | 1873 | 1872 | 1871 | 1870 | 1869 | 1868 | 1867 | 1866 | 1865 | 1864 | 1863 | 1862 | 1861 | 1860 | 1859 | 1858 | 1857 | 1856 | 1855 | 1854 | 1853 | 1852 | 1851 | 1850 | 1849 | 1848 | 1847 | 1846 | 1845 | 1844 | 1843 | 1842 | 1841 | 1840 | 1839 | 1838 | 1837 | 1836 | 1835 | 1834 | 1833 | 1832 | 1831 | 1830 | 1829 | 1828 | 1827 | 1826 | 1825 | 1824 | 1823 | 1822 | 1821 | 1820 | 1819 | 1818 | 1817 | 1816 | 1815 | 1814 | 1813 | 1812 | 1811 | 1810 | 1809 | 1808 | 1807 | 1806 | 1805 | 1804 | 1803 | 1802 | 1801 | 1800 | 1799 | 1798 | 1797 | 1796 | 1795 | 1794 | 1793 | 1792 | 1791 | 1790 | 1789 | 1788 | 1787 | 1786 | 1785 | 1784 | 1783 | 1782 | 1781 | 1780 | 1779 | 1778 | 1777 | 1776 | 1775 | 1774 | 1773 | 1772 | 1771 | 1770 | 1769 | 1768 | 1767 | 1766 | 1765 | 1764 | 1763 | 1762 | 1761 | 1760 | 1759 | 1758 | 1757 | 1756 | 1755 | 1754 | 1753 | 1752 | 1751 | 1750 | 1749 | 1748 | 1747 | 1746 | 1745 | 1744 | 1743 | 1742 | 1741 | 1740 | 1739 | 1738 | 1737 | 1736 | 1735 | 1734 | 1733 | 1732 | 1731 | 1730 | 1729 | 1728 | 1727 | 1726 | 1725 | 1724 | 1723 | 1722 | 1721 | 1720 | 1719 | 1718 | 1717 | 1716 | 1715 | 1714 | 1713 | 1712 | 1711 | 1710 | 1709 | 1708 | 1707 | 1706 | 1705 | 1704 | 1703 | 1702 | 1701 | 1700 | 1699 | 1698 | 1697 | 1696 | 1695 | 1694 | 1693 | 1692 | 1691 | 1690 | 1689 | 1688 | 1687 | 1686 | 1685 | 1684 | 1683 | 1682 | 1681 | 1680 | 1679 | 1678 | 1677 | 1676 | 1675 | 1674 | 1673 | 1672 | 1671 | 1670 | 1669 | 1668 | 1667 | 1666 | 1665 | 1664 | 1663 | 1662 | 1661 | 1660 | 1659 | 1658 | 1657 | 1656 | 1655 | 1654 | 1653 | 1652 | 1651 | 1650 | 1649 | 1648 | 1647 | 1646 | 1645 | 1644 | 1643 | 1642 | 1641 | 1640 | 1639 | 1638 | 1637 | 1636 | 1635 | 1634 | 1633 | 1632 | 1631 | 1630 | 1629 | 1628 | 1627 | 1626 | 1625 | 1624 | 1623 | 1622 | 1621 | 1620 | 1619 | 1618 | 1617 | 1616 | 1615 | 1614 | 1613 | 1612 | 1611 | 1610 | 1609 | 1608 | 1607 | 1606 | 1605 | 1604 | 1603 | 1602 | 1601 | 1600 | 1599 | 1598 | 1597 | 1596 | 1595 | 1594 | 1593 | 1592 | 1591 | 1590 | 1589 | 1588 | 1587 | 1586 | 1585 | 1584 | 1583 | 1582 | 1581 | 1580 | 1579 | 1578 | 1577 | 1576 | 1575 | 1574 | 1573 | 1572 | 1571 | 1570 | 1569 | 1568 | 1567 | 1566 | 1565 | 1564 | 1563 | 1562 | 1561 | 1560 | 1559 | 1558 | 1557 | 1556 | 1555 | 1554 | 1553 | 1552 | 1551 | 1550 | 1549 | 1548 | 1547 | 1546 | 1545 | 1544 | 1543 | 1542 | 1541 | 1540 | 1539 | 1538 | 1537 | 1536 | 1535 | 1534 | 1533 | 1532 | 1531 | 1530 | 1529 | 1528 | 1527 | 1526 | 1525 | 1524 | 1523 | 1522 | 1521 | 1520 | 1519 | 1518 | 1517 | 1516 | 1515 | 1514 | 1513 | 1512 | 1511 | 1510 | 1509 | 1508 | 1507 | 1506 | 1505 | 1504 | 1503 | 1502 | 1501 | 1500 | 1499 | 1498 | 1497 | 1496 | 1495 | 1494 | 1493 | 1492 | 1491 | 1490 | 1489 | 1488 | 1487 | 1486 | 1485 | 1484 | 1483 | 1482 | 1481 | 1480 | 1479 | 1478 | 1477 | 1476 | 1475 | 1474 | 1473 | 1472 | 1471 | 1470 | 1469 | 1468 | 1467 | 1466 | 1465 | 1464 | 1463 | 1462 | 1461 | 1460 | 1459 | 1458 | 1457 | 1456 | 1455 | 1454 | 1453 | 1452 | 1451 | 1450 | 1449 | 1448 | 1447 | 1446 | 1445 | 1444 | 1443 | 1442 | 1441 | 1440 | 1439 | 1438 | 1437 | 1436 | 1435 | 1434 | 1433 | 1432 | 1431 | 1430 | 1429 | 1428 | 1427 | 1426 | 1425 | 1424 | 1423 | 1422 | 1421 | 1420 | 1419 | 1418 | 1417 | 1416 | 1415 | 1414 | 1413 | 1412 | 1411 | 1410 | 1409 | 1408 | 1407 | 1406 | 1405 | 1404 | 1403 | 1402 | 1401 | 1400 | 1399 | 1398 | 1397 | 1396 | 1395 | 1394 | 1393 | 1392 | 1391 | 1390 | 1389 | 1388 | 1387 | 1386 | 1385 | 1384 | 1383 | 1382 | 1381 | 1380 | 1379 | 1378 | 1377 | 1376 | 1375 | 1374 | 1373 | 1372 | 1371 | 1370 | 1369 | 1368 | 1367 | 1366 | 1365 | 1364 | 1363 | 1362 | 1361 | 1360 | 1359 | 1358 | 1357 | 1356 | 1355 | 1354 | 1353 | 1352 | 1351 | 1350 | 1349 | 1348 | 1347 | 1346 | 1345 | 1344 | 1343 | 1342 | 1341 | 1340 | 1339 | 1338 | 1337 | 1336 | 1335 | 1334 | 1333 | 1332 | 1331 | 1330 | 1329 | 1328 | 1327 | 1326 | 1325 | 1324 | 1323 | 1322 | 1321 | 1320 | 1319 | 1318 | 1317 | 1316 | 1315 | 1314 | 1313 | 1312 | 1311 | 1310 | 1309 | 1308 | 1307 | 1306 | 1305 | 1304 | 1303 | 1302 | 1301 | 1300 | 1299 | 1298 | 1297 | 1296 | 1295 | 1294 | 1293 | 1292 | 1291 | 1290 | 1289 | 1288 | 1287 | 1286 | 1285 | 1284 | 1283 | 1282 | 1281 | 1280 | 1279 | 1278 | 1277 | 1276 | 1275 | 1274 | 1273 | 1272 | 1271 | 1270 | 1269 | 1268 | 1267 | 1266 | 1265 | 1264 | 1263 | 1262 | 1261 | 1260 | 1259 | 1258 | 1257 | 1256 | 1255 | 1254 | 1253 | 1252 | 1251 | 1250 | 1249 | 1248 | 1247 | 1246 | 1245 | 1244 | 1243 | 1242 | 1241 | 1240 | 1239 | 1238 | 1237 | 1236 | 1235 | 1234 | 1233 | 1232 | 1231 | 1230 | 1229 | 1228 | 1227 | 1226 | 1225 | 1224 | 1223 | 1222 | 1221 | 1220 | 1219 | 1218 | 1217 | 1216 | 1215 | 1214 | 1213 | 1212 | 1211 | 1210 | 1209 | 1208 | 1207 | 1206 | 1205 | 1204 | 1203 | 1202 | 1201 | 1200 | 1199 | 1198 | 1197 | 1196 | 1195 | 1194 | 1193 | 1192 | 1191 | 1190 | 1189 | 1188 | 1187 | 1186 | 1185 | 1184 | 1183 | 1182 | 1181 | 1180 | 1179 | 1178 | 1177 | 1176 | 1175 | 1174 | 1173 | 1172 | 1171 | 1170 | 1169 | 1168 | 1167 | 1166 | 1165 | 1164 | 1163 | 1162 | 1161 | 1160 | 1159 | 1158 | 1157 | 1156 | 1155 | 1154 | 1153 | 1152 | 1151 | 1150 | 1149 | 1148 | 1147 | 1146 | 1145 | 1144 | 1143 | 1142 | 1141 | 1140 | 1139 | 1138 | 1137 | 1136 | 1135 | 1134 | 1133 | 1132 | 1131 | 1130 | 1129 | 1128 | 1127 | 1126 | 1125 | 1124 | 1123 | 1122 | 1121 | 1120 | 1119 | 1118 | 1117 | 1116 | 1115 | 1114 | 1113 | 1112 | 1111 | 1110 | 1109 | 1108 | 1107 | 1106 | 1105 | 1104 | 1103 | 1102 | 1101 | 1100 | 1099 | 1098 | 1097 | 1096 | 1095 | 1094 | 1093 | 1092 | 1091 | 1090 | 1089 | 1088 | 1087 | 1086 | 1085 | 1084 | 1083 | 1082 | 1081 | 1080 | 1079 | 1078 | 1077 | 1076 | 1075 | 1074 | 1073 | 1072 | 1071 | 1070 | 1069 | 1068 | 1067 | 1066 | 1065 | 1064 | 1063 | 1062 | 1061 | 1060 | 1059 | 1058 | 1057 | 1056 | 1055 | 1054 | 1053 | 1052 | 1051 | 1050 | 1049 | 1048 | 1047 | 1046 | 1045 | 1044 | 1043 | 1042 | 1041 | 1040 | 1039 | 1038 | 1037 | 1036 | 1035 | 1034 | 1033 | 1032 | 1031 | 1030 | 1029 | 1028 | 1027 | 1026 | 1025 | 1024 | 1023 | 1022 | 1021 | 1020 | 1019 | 1018 | 1017 | 1016 | 1015 | 1014 | 1013 | 1012 | 1011 | 1010 | 1009 | 1008 | 1007 | 1006 | 1005 | 1004 | 1003 | 1002 | 1001 | 1000 | 999 | 998 | 997 | 996 | 995 | 994 | 993 | 992 | 991 | 990 | 989 | 988 | 987 | 986 | 985 | 984 | 983 | 982 | 981 | 980 | 979 | 978 | 977 | 976 | 975 | 974 | 973 | 972 | 971 | 970 | 969 | 968 | 967 | 966 | 965 | 964 | 963 | 962 | 961 | 960 | 959 | 958 | 957 | 956 | 955 | 954 | 953 | 952 | 951 | 950 | 949 | 948 | 947 | 946 | 945 | 944 | 943 | 942 | 941 | 940 | 939 | 938 | 937 | 936 | 935 | 934 | 933 | 932 | 931 | 930 | 929 | 928 | 927 | 926 | 925 | 924 | 923 | 922 | 921 | 920 | 919 | 918 | 917 | 916 | 915 | 914 | 913 | 912 | 911 | 910 | 909 | 908 | 907 | 906 | 905 | 904 | 903 | 902 | 901 | 900 | 899 | 898 | 897 | 896 | 895 | 894 | 893 | 892 | 891 | 890 | 889 | 888 | 887 | 886 | 885 | 884 | 883 | 882 | 881 | 880 | 879 | 878 | 877 | 876 | 875 | 874 | 873 | 872 | 871 | 870 | 869 | 868 | 867 | 866 | 865 | 864 | 863 | 862 | 861 | 860 | 859 | 858 | 857 | 856 | 855 | 854 | 853 | 852 | 851 | 850 | 849 | 848 | 847 | 846 | 845 | 844 | 843 | 842 | 841 | 840 | 839 | 838 | 837 | 836 | 835 | 834 | 833 | 832 | 831 | 830 | 829 | 828 | 827 | 826 | 825 | 824 | 823 | 822 | 821 | 820 | 819 | 818 | 817 | 816 | 815 | 814 | 813 | 812 | 811 | 810 | 809 | 808 | 807 | 806 | 805 | 804 | 803 | 802 | 801 | 800 | 799 | 798 | 797 | 796 | 795 | 794 | 793 | 792 | 791 | 790 | 789 | 788 | 787 | 786 | 785 | 784 | 783 | 782 | 781 | 780 | 779 | 778 | 777 | 776 | 775 | 774 | 773 | 772 | 771 | 770 | 769 | 768 | 767 | 766 | 765 | 764 | 763 | 762 | 761 | 760 | 759 | 758 | 757 | 756 | 755 | 754 | 753 | 752 | 751 | 750 | 749 | 748 | 747 | 746 | 745 | 744 | 743 | 742 | 741 | 740 | 739 | 738 | 737 | 736 | 735 | 734 | 733 | 732 | 731 | 730 | 729 | 728 | 727 | 726 | 725 | 724 | 723 | 722 | 721 | 720 | 719 | 718 | 717 | 716 | 715 | 714 | 713 | 712 | 711 | 710 | 709 | 708 | 707 | 706 | 705 | 704 | 703 | 702 | 701 | 700 | 699 | 698 | 697 | 696 | 695 | 694 | 693 | 692 | 691 | 690 | 689 | 688 | 687 | 686 | 685 | 684 | 683 | 682 | 681 | 680 | 679 | 678 | 677 | 676 | 675 | 674 | 673 | 672 | 671 | 670 | 669 | 668 | 667 | 666 | 665 | 664 | 663 | 662 | 661 | 660 | 659 | 658 | 657 | 656 | 655 | 654 | 653 | 652 | 651 | 650 | 649 | 648 | 647 | 646 | 645 | 644 | 643 | 642 | 641 | 640 | 639 | 638 | 637 | 636 | 635 | 634 | 633 | 632 | 631 | 630 | 629 | 628 | 627 | 626 | 625 | 624 | 623 | 622 | 621 | 620 | 619 | 618 | 617 | 616 | 615 | 614 | 613 | 612 | 611 | 610 | 609 | 608 | 607 | 606 | 605 | 604 | 603 | 602 | 601 | 600 | 599 | 598 | 597 | 596 | 595 | 594 | 593 | 592 | 591 | 590 | 589 | 588 | 587 | 586 | 585 | 584 | 583 | 582 | 581 | 580 | 579 | 578 | 577 | 576 | 575 | 574 | 573 | 572 | 571 | 570 | 569 | 56 |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-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# LAW TIMES

THE TIMES TUESDAY AUGUST 6 1991

## Where is justice for the jury?

Summoned to judge her peers, Laila Spence found her life disrupted at short notice by an apparently inflexible process

The delicate lattice-work of part-time jobs I have built up since my husband died has collapsed. Through no fault of my own, in the past nine weeks I have let people down professionally and socially. It will take time to repair the damage. But do not weep for me; other jurors fared worse.

When summoned for jury service I checked that I would not be needed for more than the prescribed two weeks. I found a substitute teacher to take some of my classes and re-arranged other commitments for that period.

For two days I sat in the jurors' assembly room, reading a book. On the third day, along with 15 other potential jurors, I was called into court. We stood awkwardly in a corner of the courtroom. The judge, five barristers, four defendants, interpreters, prison warders, solicitors and court officials looked over. One by one, 12 names were called. I was number 11. I sat in the allotted seat. Then the bombshell was dropped. "Before you are sworn in," the judge told us, "I should tell you that this case will last five weeks. Does anyone have any valid reasons which might excuse them?" Most of us put up a hand.

"In the order in which you were called, please..." The first woman had only just started a new job and her boss was not pleased about her being away at all. "It is your employer's duty to release you, and your duty to serve," she was told. "Please take the oath."

Others, after careful cross-examination, had their pleas for leniency dismissed with: "I will see that your employer is sent a letter by the court clerk."

There was no time to think about the implications, no time to work out a reasoned statement and no freedom to defer the decision or to discuss the matter in private. My brain was fast turning to porridge.

Three people were released: an illiterate man, somebody

with a holiday booked and an assertive City type who said his bank's foreign exchange trading would collapse if he were away so long.

The defendants were starting grudgingly in our direction. How small my problems seemed compared with theirs. I decided to cross-examine myself. "No, the hard-of-hearing adults I teach will not become any deafier if I am not there; but they do not deserve to be abandoned and I cannot guarantee to get substitute teachers for five weeks."

"Yes, I could do my secretarial job in the evenings and at weekends, although it will play havoc with my social life. Yes, I am able to cancel my freelance work but it will put me back to the bottom of the list. Sorry about that. And my Russian house guests, due in three weeks, could, I suppose, be given a bus pass and told to discover London on their own."

I knew I was on a loser. I read the oath and hated the judge. All escape routes were barred.

"fool". Gradually, over the time we shared together, I heard what they felt about the system. One said: "I read the oath because I had nothing I could say in public. In private, I would have explained that I am in line for promotion but five weeks away from the office will ruin my chances. You do not hurt that out in front of everybody."

Another told me he took the oath because he could not think of a good enough lie. "The truth is that 2,000 people from my company will be made redundant soon and I shall be there to protect my back," he said. "A letter to my boss is immaterial."

One woman had other problems. "I told the judge I had started a new job," she said. "He didn't give me a chance to say that it is only part-time. Two days a week I look after



my grandchildren so my daughter can carry on teaching. Now her job is on the line. She will not let just anybody mind her children."

The long case pleased three of the jury. Two work for businesses hit by recession. Their bosses were glad to let the taxpayer help to pay their salary. The young men were grateful to have a shorter than usual day and fares paid.

The third, a bright girl with a boring job, found jury service stimulating.

Alas, in the first few weeks we spent more time "retired" than we spent as jurors. One day we spent an hour, from 10.30 to 11.30, in court, then went back to the jury room. The day was wasted. I could have achieved so much at home. I felt impatient and frustrated. Don't lawyers know that jurors are people, too?

Then strain began to show. One juror was violently sick. Others suffered backache and sore throats.

Jury service is a humiliating business. You wait until you are told to go upstairs; then wait again until it is time to file in, in the correct order of course, into court. The court usher tells you when to stand, the judge tells you when to retire. The usher then decides whether you may go downstairs for a cup of coffee or wait in the retiring room.

You are allowed to make notes but not to take them away and read them. All this can be so no doubt quite fun

for two weeks but the novelty wears off.

When I could use the telephone during office hours I found there are no statistics about the number of jurors called in England and Wales, nor about the average length of service. I did discover, however, that the term "random" is a lie when applied to juries. The list of exemptions is as long as your arm; it includes all legal people and court officials and their spouses, those who have read law, politicians and peers, anybody in a medical profession, the forces, the police, the clergy.

In addition, there are unwilling people over 65, all those who can excuse themselves convincingly, such as well-paid actors and the like, and business executives with a company letter to proclaim their unavailability. Those who fail to answer their summons are self-exempted and seldom followed up. That leaves us: representatives of the dutiful but doubtless majority.

Overnight, I gave in to the system pressure of enforced supervision. I forgot about the life I once led. I trooped daily into court as though nothing else mattered. I waited around with quiet resignation. I returned home to an answering machine that no longer spouted messages — and I did not even care.

I did care about the defen-

dants — and their family — who after nine weeks became practically a part of me. The verdict was painful. Many of us on the jury had sleepless nights before and after our decision.

And my verdict on the system? Despite many reservations, I accept that we have a long tradition of jury service, and that on the whole it seems to work.

It is wrong, however, to commit people to a case lasting more than two weeks without giving them enough warning and privacy to discuss the implications, nor the freedom to decline a long jury service for personal reasons, however unimportant these may seem to the judge. Anything less is a travesty of justice.

## Swimming against the Euro tide

AS English lawyers and politicians prepare to spend their summer holidays enjoying European culture, food and wine, it remains a mystery that so many of them continue to resist the influence of European law. The judgment of the European Court of Justice in the Spanish fishing fleet dispute (the *Factortame* case) is the latest in a long line of decisions that have been greeted by an unhealthy combination of ignorance, fear and contempt.

Two weeks ago the European Court in Luxembourg decided that the provisions of the Merchant Shipping Act of 1988 covering the conditions for the registration of fishing vessels breach Article 52 of the Treaty of Rome because they discriminate on grounds of nationality.

The decision can have come as no surprise to the government, which has highly competent legal advisers in this field. Critics of the decision have concentrated not so much on the legal merits of its analysis of the freedom of establishment provisions of European Community law as on what they have portrayed as the impropriety and the novelty of the court invalidating an act of Parliament. It is surprising that this constitutional issue retains its capacity to shock backbench MPs and to excite the media. There is no doubt that Community law takes priority over an act of Parliament. This has not been imposed on Britain but was decided by Parliament itself in the European Communities Act 1972. In 1980, Lord Denning considered these matters in the Court of Appeal. The Treaty of Rome "takes priority over anything in our English statute which is inconsistent", he explained.

This does not mean that Community law is "supplanting English law". Lord Denning explained: "It is part of our law which overrides any other part which is inconsistent with it."

Last year, Lord Bridge pointed out the misguided nature of some public comments on an earlier European Court decision in the *Factortame* saga. The supremacy of Community law over national law "was certainly well established in the jurisprudence of the European Court of Justice long before the United Kingdom joined the Community".

The *Factortame* case is not the first example of an act of Parliament being held to be inconsistent with Community law. There have been many analogous cases, particularly in the context of sex discrimination in employment and social security. The issue in every case is not whether an act of Parliament must comply with Community law, but whether it does

comply with it. It is a national disgrace that there should continue to be widespread ignorance of Community law two decades after Britain joined the European Community. Few lawyers, and only a handful of judges, would claim that they have even a rudimentary appreciation of the nature and content of the principles of Community law.

While so many MPs express antipathy to Community law, or ignore it in the hope that it may go away, the chances are not high that legislation will comply with the Treaty of Rome.

The irony is that in other member states, where Community law is well understood and recognised as part of domestic law, politicians are far more skilled in circumventing inconvenient rulings of the European Court. The difficult issue that is now raised by the European Court in *Factortame* is whether the aggrieved Spanish shipowners are entitled to damages for losses caused by a member state failing to comply with its obligations under Community law. In 1985, in the *Bourgoin* case, the Court of Appeal held by a majority of 2-1 that there is no such remedy. English administrative law gives a remedy in damages only if the plaintiff can show negligence or bad faith by the state, the majority judgments said, and Community law does not provide greater protection. The views of the dissenting judge, Lord Justice Oliver, may well find support in the House of Lords or the European Court. The important issue of damages is under

consideration in Luxembourg in an Italian case, *Francovich*. Advocate-General Mischo, whose task is to help the court by writing an opinion, has concluded that member states should be liable to damages for losses caused by their failure to implement some Community laws properly, in that case a duty to pay sums of money to specified persons.

If the opinion of the advocate-general is upheld by the court, the effective implementation of Community law through national courts will be very considerably advanced. Member states would ignore inconvenient articles of the Treaty of Rome and unpopular directives at their peril.

In 1974 Lord Denning observed that the Treaty of Rome "is like an incoming tide". He said: "It flows into the estuaries and up the rivers. It cannot be held back."

The *Factortame* and *Francovich* cases may finally ensure that Community law arrives in Westminster and in all law courts.

● The author is a practising barrister and a Fellow of All Souls College, Oxford



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## Alarm bells start to ring

THE reported level of telephone tapping in the United Kingdom, and its civil rights implications, has caused widespread consternation.

But, if the German Christian Democrat Party of chancellor Helmut Kohl has its way, the problem in the UK could pale by comparison. The party last week sought to increase the powers of the German police to enable them to bug private homes and break the law if this was necessary to maintain cover.

The measures were blocked by the party's liberal coalition partners, who rejected them as an unacceptable assault on civil rights, but the party has not given up hope of enacting them. The German interior minister is reported as saying that if organised crime in Germany is to be tackled effectively, the state will have no choice but to permit "technical methods" in people's homes. This would be a breach of article 13 of the 1949 constitution, which makes the home inviolable.

The measures were prompted largely by a rise in organised crime, and a failure by the German police to capture terrorists. The measures formed part of a package, including three which were adopted — an increase in prison sentences for crimes involving gangs, the regulation of the use of police surveillance equipment and a power to the state to seize almost all the property of convicted drug barons.

But if Germany takes steps

## OUTS

that erode the constitutional rights of its citizens, the European court of human rights may well have the final say.

### Burger battle

THE battle for the budding junk food addicts of the old Eastern Bloc is heating up. The confrontation between McDonald's and Burger King has moved to Eastern Europe, where the latest volley has been fired by Burger King.

As a result, Hungary is about to find out what a



Whopper is all about. Berwin Leighton, a London firm, is advising on the formation of a joint venture to establish a chain of Burger King outlets across the country. Blackoff and Co acted for the Hungarian government. The first flame-grilled burger should be served later this month.

### Just the spur

THE European Community was considering an EC-wide deposit insurance scheme to

compensate depositors when banks collapse before the failure of BCCI, but officials may be spurred on by the collapse of the bank.

Some EC countries already have such schemes, but others, such as Greece and Portugal have none. Proposals for legislation are not likely to emerge before next spring, and will probably take a cue from the second banking directive and give the home country responsibility for paying compensation to depositors, just as the directive gives the home country — the country in which the bank has its headquarters, or main EC subsidiary — responsibility for supervision.

This could help avoid the back-passing that some say contributed to the delay in taking action in tackling the BCCI scandal.

### Green switch

THE evidence of the population's shift towards environmental concern has grown so strong in Canada that the state government has had to start a programme of legislation. This will oblige businesses to rewrite job descriptions to include environmental duties and to create new jobs to develop and enforce environmental protection procedures.

About 200 North American companies have established environmental departments, but the number is expected to rise during the next decade.

Environmental law is already an area of rapid growth, and the accountability of management in environmental matters has become an

important feature of MBA and other business courses. Businesses are finding that the best candidates for jobs often put a record of environmental concern before money. They will take a pay cut to work for a company that has a good record for complying with and enforcing environmental law.

Often, environmental responsibilities are written into contracts of employment. The change appears to be consumer-led. Opinion polls suggest that 73 per cent of Canadians would be willing to pay more tax to pay for environmental policies.

### Bar is lifted

FOREIGN lawyers are to be allowed to argue arbitrations in Singapore. The local bar and foreign lawyers have fought a long-running battle for this lucrative area of practice, a battle which until today was being won by the Singapore firms.

The critical decision was in a case in 1988, *Turner (East Asia) PTE Ltd v Builders Federal (Hong Kong) Ltd*, which decided that foreign lawyers should be excluded from all arbitrations involving questions of law and legal rights and obligations. The Singapore law minister has now put forward a proposal to parliament that will allow foreign lawyers to advise where the governing law is not Singapore law. In cases where Singapore law does apply, foreign lawyers will be allowed to appear with a local lawyer.

This is the first sign of an opening of the Singapore legal market to foreign lawyers since Freshfields, the big London firm, lost its license to practise local law in the mid Eighties.

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Personal injury lawyers with a talent for persuading juries to award massive damages are earning a fortune. Damages over \$4 million a year. It has become impossible in the USA to instruct a personal injury lawyer on an hourly-paid basis: they all insist on a share in the damages. Expert witnesses, the 'hired guns', also expect larger fees if they 'win' their cases. Their advertisements boast of the successful results and high awards they have achieved. The inevitable decline in ethical standards among trial lawyers and professional witnesses is causing concern, especially among older members of the legal profession.

Insurance cover is becoming essential for a whole range of professions, from priests to social workers, and in certain disciplines the cost is prohibitive. Obstetricians, for instance, can pay premiums of up to \$200,000. And as more people are covered by insurance, of course, they become that much more worth suing.

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Dodgy business: it hardly seems likely that insiders do not shop around for the best way, and the best market, in which to do their illicit deals

## Insider dealers who get away

The big "show trials" of the past decade in the United States involved insider dealing, a white-collar crime that netted its perpetrators many millions of dollars in "profits" and, as it turned out, cost some of them millions of dollars in penalties and fines. The same was not true in Britain.

Are our markets clear of insider dealers, or are we ill-equipped, legally or otherwise, to deal with this type of offence? To put the question in its harshest light, is London a better market to do your insider dealing than New York?

The answer may be that London is a cleaner market and insider trading does not happen here. But it hardly seems likely in this age of instant global electronic transmissions that insiders, like others, do not shop around for the best way, and the best market, in which to do their illicit deals.

It is far more likely, based on the string of prosecutions under the Company Securities (Insider Dealing) Act 1986, that London is on their list as an attractive venue in which to do their deals. The

Laws designed to catch financial market crooks have actually made London more attractive for illegal trading, Thomas Conlon argues

question is: why are we attractive and why have we failed to close this door to domestic and foreign insider dealers and their colleagues? The answer, as it turns out, may be found in the act itself. A prosecutor armed with facts, computer printouts, investigative findings and other hard, cumulative evidence, must then proceed to prosecute the alleged offender under the act. This is where things start to go wrong and, as strange as it may seem, a primary reason may be that the act makes insider dealing a criminal offence.

This may appear reassuring but it is far harder to prove a criminal offence in court than a civil claim. A criminal action requires a charge against the alleged insider to be proved "beyond a reasonable doubt". In a civil action the burden

of proof is on the less onerous standard of "a balance of probabilities". The original proposal for legislation in the 1970s was for insider dealing to be subject to both criminal and civil sanctions. However, this approach was dropped by the Conservative government in its 1980 Companies Act, which

few. For every prosecution there are usually cases in which prosecutions are not attempted, usually because the evidence is not strong enough to sustain the criminal burden of proof.

If the authorities had the option of bringing a civil claim, it would greatly assist those seeking to prosecute known offenders, as well as to deter others. As a response to the problems the Stock Exchange has developed its surveillance arm to monitor, among other things, likely insider

but, no matter how well-informed the prosecutor may be, there is still the matter of prosecuting under the act.

There are quick profits (at the expense of other shareholders) to be made trading in confidential, price-sensitive information. Opportunities to gain access to inside information in the City are not rare. The rewards for illicit enterprise are still too attractive in proportion to penalties.

This is a good, solid reason to use London, and not New York, for a dirty trade but this is business that London cannot afford. It may be time, without waiting for the emergence of our own Ivan Boesky, to look again at the adequacy of our existing legal regime on insider dealing.

As it stands the only handcuffs that can be seen at insider dealer trials are the bright, shiny, legal ones shackled to the prosecutor's wrists.

*The only handcuffs at insider dealer trials are the bright, shiny, legal ones shackled to the prosecutor's wrists*

prescribed only criminal sanctions for the offence of insider dealing.

There were few attempted prosecutions under the legislation during the early years, and although the number of attempted prosecutions has increased during the past few years, successful prosecutions have been relatively

dealing transactions. The trade and industry department has increased its activities in relation to suspected insider transactions, and Parliament has increased significantly the investigative power of the department to uncover and pursue this type of offence. These are all positive and welcome steps

## Big-time lawyers find small niche

Dynamic small firms are attracting the best partners away from their bigger competitors

The sharp decline in the legal services market has resulted in casualties, but it has also provided a salutary reminder that nothing lasts forever. "Chaos is now the norm," according to one management consultant.

To cope with this requires great flexibility. Some of the big firms, caught out by the sharp drop in the property market, or in merger and acquisition work, have been unable to respond and some of the smaller, newer ones are finding niche opportunities in a depressed market-place.

Perhaps the most important developing trend is the movement of able lawyers from large, but stagnant firms to smaller, more dynamic outfits. Because of the economic slow-down, the contrast between good lawyers and the mediocre is becoming increasingly stark. When work poured into law firms it was not so obvious who were the high performers. Now that clients are more discriminating, however, the partners with star appeal are standing out.

Typical of the trend is David Kustow, formerly a commercial property partner with Brecher & Co, who last week joined up-and-coming Simon Olswang. Although still loyal to his former colleagues, Mr Kustow believes that the rapid growth of the larger firms during the second half of the Eighties meant that the quality has been diluted.

"The boom period has left many firms with a long and impressive partner list, but many of those partners individually may not be so good," Mr Kustow says.

What we are now in for, predicts Mr Kustow, is a period in which the smaller, hungrier firms will start to eat away at the larger firms' client base. The bad habits learnt at the big firms when times were easy will not be shed quickly, and many will be doubly vulnerable because of the high overheads caused, in particular, by expensive accommodation. What is now happening is that small, dynamic firms are picking up disillusioned partners from elsewhere and building new departments on their reputation.

"Good partners must be the foundation of the firm, and the only way you can grow is by building on their expertise," says David Warner, the founder of Warner Cranston. Set up in a spare bedroom in 1979, Warner Cranston is now one of those City firms recommended in *The Legal 500* and its brief history provides a model which other ambitious firms

are likely to follow. Mr Warner, as a sole practitioner in the early Eighties, developed a strong niche practice in employment law.

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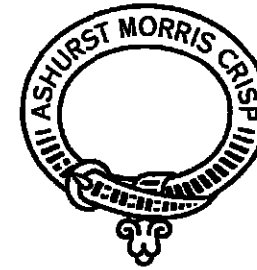
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## Court of Appeal

## Law Report August 6 1991

## Queen's Bench Divisional Court

## Lecturer's tenure subject to terms of contract

## Catholic school admissions policy unlawful

**Regina v Visitor of the University of Hull, Ex parte Page**  
Before Lord Donaldson of Lynton, Master of the Rolls, Lord Justice Staughton and Lord Justice Farquharson  
[Judgment July 31]

Decisions of a university visitor as to the construction of the university statutes were amenable to the court's supervisory jurisdiction by way of judicial review.

On the proper construction of the university statutes a lecturer's employment could be terminated for good cause and also in accordance with termination provisions contained in his contract of employment.

The Court of Appeal so held allowing in part an appeal by the University of Hull and the Lord President of the Privy Council, acting on behalf of her Majesty the Queen as Visitor of Hull University, from the Queen's Bench Divisional Court (Lord Justice Taylor and Mr Justice Roush) (*The Times* April 2, 1991) which had granted the application of Edgar Page, for judicial review and quashed the decision of the Lord President whereby on the advice of Lord Jauncey of Tullichettle, he had rejected Mr Page's petition to set aside his dismissal by the university on three months notice on the ground of redundancy.

Mr Michael Beloff, QC and Mr Hubert Picarda for the university; Mr Philip Havers for the Visitor; Mr Jeffrey Burke, QC and Mr Brian Langstaff for Mr Page.

**THE MASTER OF THE ROLLS** said that Mr Page had been appointed in 1966 as a lecturer in the Philosophy Department. He was given no-

tice of dismissal 22 years later on the ground of redundancy consequent on the university's need to make economies. There had been no complaint about the way he had done his work.

Mr Beloff and Mr Havers had submitted that the visitor was intended to have exclusive jurisdiction over the internal laws of the foundation including the interpretation of the charter and the university statutes. Such internal domestic law was to be treated as distinct from the law of the land, being a species of foreign law.

They further argued that although the visitor's decisions might be amenable to judicial review (see *Thomas v University of Bradford* (1987) AC 955), those relating to the internal laws of the foundation were not. Examples were given of decisions of ecclesiastical and military courts with which the courts had declined to interfere.

His Lordship considered that there was no binding authority to guide the court, but he did not regard the absence of any trace of the court's jurisdiction in the older authorities as being helpful or surprising in the light of modern expansionist developments in that field of the law, which had House of Lords approval, or had originated there.

The speeches in *Thomas's* case pointed the way, which was based on long established principle, colourfully enunciated, in a different context by Lord Justice Scrutton in *Carrington v Roth, Schmidt & Co* (1922) 2 KB 478, 488: "There must be the King's writ does not run".

His Lordship did not regard the attitude of the courts to-

tary as constituting any derogation from that principle.

Agreeing with Mr Beloff and Mr Havers, his Lordship said that where the statutes invested the visitor with the right and duty of ensuring that the intentions of the founder, as demonstrated by the statutes, were given effect to and of resolving disputes based on rights and duties said to arise under the statutes, that was effective to exclude any concurrent jurisdiction, including an appellate jurisdiction in the courts.

However, the Divisional Court had asserted a supervisory jurisdiction, which was no doubt to be exercised with sensitivity, and was fundamentally different from an appellate jurisdiction, not least in its discretionary element.

His Lordship adopted the words of Lord Griffiths in *Thomas's* case (at p824): "... in the light of the modern development of administrative law, the High Court would have power, upon an application for judicial review, to quash a decision of the visitor which amounted to an abuse of his powers."

To misconstrue the statutes and act on that misconception would be an abuse of the visitor's powers.

On the construction issue Mr Page was appointed as a lecturer subject to: (a) the university statutes; (b) an obligation to vacate his office on a specified date after attaining the age of 67; and (c) a term that "the appointment was to be terminated on either side by three months notice in writing expiring at the end of a term or the Long Vacation".

The Divisional Court, accepting Mr Page's contention, had held that on the true construction of the statutes read in conjunction with (b) and (c) he was free to vacate office after giving three months notice, but the university could only terminate his tenure for "good cause" and subject to giving three months notice.

The decision for the visitor on the advice of Lord Jauncey was that the conjoint effect of the provisions was either that the university or Mr Page could terminate the tenure of office on giving three months notice, and that the university could also do so for good cause with or without notice.

His Lordship referred to section 33 of the university statutes which provided for the removal of the senior officers of the university. They stood on their own and could be dismissed for good cause whatever the terms of their appointment.

Section 34 provided for the removal of members of the teaching and administrative staff. Subsection (1) applied to the Vice-Chancellor and all officers holding appointment until retirement. They might be dismissed for good cause, whatever the terms of their appointment. The subsection was positive and permissive in form.

Subsection (3) applied to the same group but included administrative staff who were not within (1) because they did not hold their appointments until retirement. That was mandatory and negative in form and deprived the university of the power to dismiss them other than for good cause or in accordance with the terms of

their employment.

His Lordship's view was consistent with that of Lord Jauncey who advised that the opening words of section 34(3) showed that it was clearly contemplated that individual contracts of employment would contain provisions for termination other than for good cause so that Mr Page's contract of employment provided for two situations: (i) removal from office without a specified period of notice under section 34, and (ii) termination of employment by three months notice and that therefore the university had been entitled to terminate his employment.

His Lordship would allow the appeal.

Lord Justice Staughton and Lord Justice Farquharson delivered concurring judgments.

Solicitors: Priestman Green & Co, Hull; Treasury Solicitor; Robin Thompson & Partners.

## Delay not justified

**Sprott and Another v Commissioner of Police of the Metropolis**

Where the hearing of an originating application had been postponed *sine die* pending the determination of two cases considered to be relevant to the applicants' claim, it was not justified for the applicants to stand by for four years after those cases had been decided and hope that the law might change.

The Employment Appeal Tribunal (Mr Justice Wood, Mr R. J. Lewis and Mr R. H. Phipps) so held on July 18 when dismissing an appeal by the

executors and widow of Priscilla Jane Evans from the decision of a London Industrial Tribunal to strike out, for want of prosecution, their application, issued in January 1984, which alleged that the Commissioner of Police of the Metropolis was in breach of the Sex Discrimination Act 1975 and the Equal Pay Act 1970 in that Mrs Evans as a woman police constable had been refused the opportunity to make contributions to a pension scheme for her widower. The applicants had sought to restore the application in November 1990, pursuant to liberty to do so given in the order to postpone.

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# BRADFORD

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# Veteran Helawe to enjoy another seaside excursion

HELAWA has become such a regular at Brighton over the last few seasons that he could probably find his own way there.

It may be that he likes Sussex by the sea or, more probably, that the switchback course suits him. Whatever the reason, he has won there five times and has a good chance of adding to that total in the Town Hall Handicap today.

The eight-year-old has already won three times this season, most recently when beating Tara's Girl at Warwick and should have enough in hand over Abso, who just got up in the final stride to beat Green's Stubbs here last month.

Record-breaking Jack Berry has said that he wants to train 100 two-year-old winners this season. He can add to his juvenile haul with Son Of Schula in the EBF Taxine's Maiden Stakes.

It is always hard to justify selecting an unraced two-year-old when it is ranged up against experienced rivals. But in this case Berry has a direct form line with Mint Addition, who should pose the principal threat. Mint Addition was fourth behind the Berry-trained Memashb when she won at Epsom in June, and Berry obviously feels that Son

Of Schula has Mint Addition's measure.

Berry also saddles Tenacity in the Westminster-Motor Tax Insurance Nursery Handicap, but I prefer to side with the Rac Guest-trained Juldee. Juldee made a highly-impressive racecourse debut when beating Captain Ken by eight lengths in a seller at Yarmouth.

Timeform is of the opinion that the filly "should improve and may be an interesting runner in nurseries".

With only this one performance as a guide, the handicapper may have been somewhat lenient with Juldee, and she is my nap.

The Brighton Streamline Taxine's Handicap looks an interesting contest, with representatives from several major yards. But I feel first-come, first-served trainer Willie Muir can land the prize with Tarnoon.

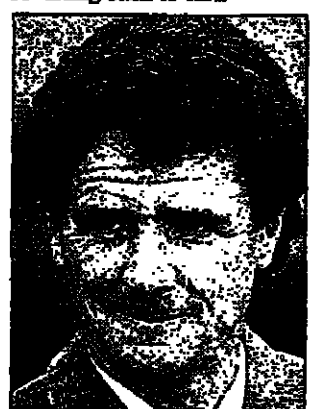
The three-year-old was the subject of a gamble when winning by a neck at Lingfield last week. Although now burdened with a 4lb penalty for that success, he still looks an attractive prospect off his present handicap mark.

The programme should start with a win for Lady Baraka and Willie Carson in

the Downs Selling Stakes. The filly has steadily improved this season, after being placed in claimers at Leicester and Newmarket, to win a seller at Yarmouth last month. As one of the few recent winners in the field, I feel she is capable of striking again.

At Redcar, champion jockey Pat Eddery has fancied rides in all six races, and may well land a treble with Sure Sign (3.15), Minskup (3.45) and Gold Desert (4.45).

Sure Sign beat Elbi, a winner at Thirsk on Saturday, on the all-weather track at Lingfield last time out, but should have little trouble reverting back to turf.



Guest: strong nursery chance with Juldee

Minskup may have shown little on her seasonal debut at Sandown but she did win at Eddery at Wolverhampton last season and that performance suggests she can take this contest.

Following victories at Nottingham and Doncaster Gold Desert found one too good for him in the shape of Changing Times at York last time out, but I am confident he can account for Ripon winner Colway Bold and get back to winning ways.

Finally, at Nottingham this evening Willie Carson can gain two more winners with Kabcast (6.15) and Al Mawood (7.15).

Victory for Kabcast would be just reward for his recent efforts which have seen him placed in his last three starts. Al Mawood comes from the in-form Dick Hern yard and, while the betting market may be the most accurate barometer in this race, this newcomer should prove best.

Paul Cole, who has been carrying almost all before him this season, can strike with his recent Folkestone winner, Gleaston Priory (5.45).

**Blinkered first time**

BRIGHTON: 2.00 Pinned, 4.30 Abso, REDCAR: 2.15 Acquisitio, 3.15 Pinned, 4.15 Pinned, 4.45 Pinned, 5.15 Pinned, 5.45 Pinned, 6.15 Pinned, 6.45 Pinned, 7.15 Pinned, 7.45 Pinned, 8.15 Pinned, 8.45 Pinned, 9.15 Pinned, 9.45 Pinned, 10.15 Pinned, 10.45 Pinned, 11.15 Pinned, 11.45 Pinned, 12.15 Pinned, 12.45 Pinned, 1.15 Pinned, 1.45 Pinned, 2.15 Pinned, 2.45 Pinned, 3.15 Pinned, 3.45 Pinned, 4.15 Pinned, 4.45 Pinned, 5.15 Pinned, 5.45 Pinned, 6.15 Pinned, 6.45 Pinned, 7.15 Pinned, 7.45 Pinned, 8.15 Pinned, 8.45 Pinned, 9.15 Pinned, 9.45 Pinned, 10.15 Pinned, 10.45 Pinned, 11.15 Pinned, 11.45 Pinned, 12.15 Pinned, 12.45 Pinned, 1.15 Pinned, 1.45 Pinned, 2.15 Pinned, 2.45 Pinned, 3.15 Pinned, 3.45 Pinned, 4.15 Pinned, 4.45 Pinned, 5.15 Pinned, 5.45 Pinned, 6.15 Pinned, 6.45 Pinned, 7.15 Pinned, 7.45 Pinned, 8.15 Pinned, 8.45 Pinned, 9.15 Pinned, 9.45 Pinned, 10.15 Pinned, 10.45 Pinned, 11.15 Pinned, 11.45 Pinned, 12.15 Pinned, 12.45 Pinned, 1.15 Pinned, 1.45 Pinned, 2.15 Pinned, 2.45 Pinned, 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